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Washington, Thursday, August 11, 1949

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10074

TRANSFER OF THE DISTRICT LAND OFFICE AT CARSON CITY, NEVADA, TO RENO, NEVADA

By virtue of the authority vested in me by sections 2251 and 2252 of the Revised Statutes of the United States (43 U. S. C. 126 and 121), and upon the recommendation of the Secretary of the Interior, it is hereby ordered as follows:

1. The district land office at Carson City, Nevada, shall be discontinued, and the business and necessary archives of that office shall be transferred to a new district land office which shall be established and maintained at Reno, Nevada.

2. This order shall become effective at the close of business on August 12, 1949.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 9, 1949.

[F. R. Doc. 49-6607; Filed, Aug. 10, 1949; 11:51 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Under authority of § 6.1 (a) of Executive Order 9830, and at the request of the Department of Agriculture, the Commission has determined that one additional position of chauffeur should be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of § 6.111 (b) is amended to read as follows:

§ 6.111 *Department of Agriculture*

* * *

(b) *Office of the Secretary.* (1) Two chauffeurs for the Secretary of Agriculture.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600, 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] FRANCES PERKINS,
Acting President.

[F. R. Doc. 49-6502; Filed, Aug. 10, 1949; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1949 C. C. C. Dry Edible Smooth Pea Bulletin 1]

PART 647—PEAS, DRY EDIBLE

SUBPART—1949 DRY EDIBLE SMOOTH PEA LOAN AND PURCHASE AGREEMENT PROGRAM

This bulletin states the requirements with respect to the 1949 Dry Edible Smooth Pea Loan and Purchase Agreement Program formulated by the Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). The program will be carried out by PMA under the general supervision and direction of the Manager, CCC. Loans and purchase agreements will be made available to producers and cooperative marketing association of producers (hereinafter referred to as the producer) on eligible peas produced in 1949 in accordance with this bulletin.

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647.101 Administration.
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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

Sec.

AUTHORITY: §§ 647.101 to 647.123 issued under sec. 5 (a), Pub. Law 806, 80th Cong., sec. 1 (b), 202 (a), Pub. Law 897, 80th Cong.; 62 Stat. 1072, 1247, 1252.

§ 647.101 *Administration.* In the field, the program will be administered through State PMA committees, county agricultural conservation committees (hereinafter referred to as county committees) and PMA commodity offices.

Forms will be distributed through the offices of State and county committees. All loan and purchase documents will be completed and approved by the county committee, which will retain copies of all such documents. The county committee may designate in writing certain employees of the county agricultural conservation association to approve such forms on behalf of the committee.

§ 647.102 *Availability of loans and purchases*—(a) *Area.* Loans and purchase agreements shall be available to producers of eligible peas produced in the continental United States.

(b) *Time.* Loans and purchase agreements shall be available from time of harvest through January 31, 1950, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(c) *Source.* Loans and purchase agreements will be made through the offices of county committees. Disbursements on loans will be made to producers by State PMA offices by means of sight drafts drawn on CCC or by approved lending agencies under agreements with CCC. Disbursements will be made not later than February 15, 1950, except where specially approved by CCC in each instance.

§ 647.103 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency Agreement (Form PMA–97, or other form prescribed by CCC), or a loan servicing agreement.

§ 647.104 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing peas in 1949 as landowner, landlord, tenant, or sharecropper.

Cooperative marketing associations of producers shall be eligible for loans and purchase agreements: *Provided,* That (a) the association markets peas produced solely by eligible producer members, (b) the producer members are bound by contract to market through the association, (c) the association has authority to obtain a loan on the security of the peas, and to give a lien thereon, and (d) the members share proportionately according to the quantity, grade and class of peas each delivers to the association.

§ 647.105 *Eligible peas.* Eligible peas shall be peas of the classes Alaska, Bluebell, Scotch Green, First and Best, Marrowfat, White Canada, and Colorado White produced in 1949 which grade U. S. No. 2 or better, or which after normal cleaning would meet the requirements for U. S. No. 2 grade peas or better as defined in the Official U. S. Standards for Dry Peas.

Except in the case of eligible cooperative marketing associations of producers, the beneficial interest in the peas must be in the person tendering the peas for a loan or purchase and must always have been in him, or must have been in him and a former producer whom he succeeded before the peas were harvested.

In order to be eligible for a loan, peas stored on the farm, or stored in an approved warehouse where the warehouseman does not guarantee quantity and quality, must have been in storage at least 60 days prior to inspection for approval of the loan, unless otherwise approved by the State PMA committee.

§ 647.106 *Approved storage.* Approved storage for peas shall meet the following requirements:

(a) *Farm storage.* Under the loan program approved farm storage shall consist of storage structures, located on the farm, or off the farm provided no warehouse receipt is outstanding, which, as determined by the county committee, are of such substantial and permanent construction as to afford safe storage for peas. Farm-storage loans will not be available to associations of producers.

(b) *Warehouse storage.* Under the loan and purchase agreement program approved warehouse storage shall consist of warehouses for which a storage agreement with CCC in effect for the 1949 crop has been executed. The names of approved warehouses may be obtained from State offices and county committees.

§ 647.107 *Approved forms.* The approved forms consist of the loan and purchase agreement documents which, together with the provisions of this bulletin and any supplements and amendments hereto, govern the rights and responsibilities of the producer.

Notes and chattel mortgages and note and loan agreements, must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an administrator, executor, or trustee will be acceptable only where legally valid.

(a) *Farm-storage loans.* Approved forms shall consist of producer's note on Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA and federal inspection certificates.

(b) *Warehouse-storage loans.* Approved forms shall consist of note and loan agreements on Commodity Loan Form B, secured by negotiable warehouse receipts representing peas stored in approved warehouses. All peas pledged as security for a loan on a single Commodity Loan Form B must be stored in the same warehouse.

(c) *Purchase agreement documents.* The purchase agreement documents shall consist of the Purchase Agreement (Commodity Purchase Form 1), Delivery Instructions (Commodity Purchase Form 3), and Purchase Agreement Settlement (Commodity Purchase Form 4) signed by the producer and approved by the county committee, negotiable warehouse receipts, and such other forms as may be prescribed by CCC.

(d) *Warehouse receipts.* Peas in approved warehouse storage under the loan program and delivered under purchase agreements must be represented by warehouse receipts which satisfy the following requirements:

(1) Warehouse receipts must be issued in the name of the producer or producer association, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(2) CCC will not require that the warehouse insure the peas placed under loan; however, if the warehouse does insure the peas, such insurance shall inure to the benefit of CCC to the extent of its interest.

(3) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the net weight and all grading factors used in the determination of the quality of the peas.

(4) In the case of warehouse-stored peas where the warehouse receipt is marked "sacked identity-preserved," "specially-binned," or "bulk identity-preserved," the producer must execute the supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

§ 647.108 *Determination of quantity under loan.* Loans shall be made on the basis of sound whole peas. The quantity of sound whole peas shall be the quantity of eligible peas minus dockage and

other defects as defined in the U. S. Standards for Dry Peas.

(a) *Farm-stored.* The quantity of bulk peas stored in approved farm-storage shall be determined by dividing the number of cubic feet of peas in such storage by 2.1 and multiplying the result by the percentage of sound whole peas. The result will be the net weight of sound whole peas in units of 100 pounds. If peas are stored in sacks a deduction of ¾ pound per sack shall be made from the gross weight.

(b) *Warehouse-stored.* The quantity of peas stored in an approved warehouse will be the net weight multiplied by the percentage of sound whole peas as shown on the warehouse receipt or supplemental certificate.

§ 647.109 *Liens.* If there are any liens or encumbrances on the peas, proper waivers must be obtained.

§ 647.110 *Service fees*—(a) *Loans.* Where the peas are under a farm-storage loan, the producer shall pay a service fee of two cents per 100 pounds on the quantity of sound whole peas placed under loan, or $3.00, whichever is greater, and where the peas are under a warehouse-storage loan the producer shall pay a service fee of one cent per 100 pounds on the quantity of sound whole peas placed under loan, or $1.50, whichever is greater.

(b) *Purchase agreements.* At the time the producer signs a purchase agreement he shall pay a service fee of one cent per 100 pounds on the quantity of sound whole peas specified by the producer on Commodity Purchase Form 1, as the maximum quantity he may deliver, or $1.50, whichever is greater.

(c) *Refunds.* No refund of service fee will be made.

§ 647.111 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installments past due or maturing within twelve months are unpaid on any loan made available by CCC on farm storage facilities, whether held by CCC or a lending agency, he must designate CCC or such lending agency as the payee of the proceeds of the loan or purchase to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service fees and amounts due prior lienholders.

If the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above.

Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders.

§ 647.112 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum, and interest shall accrue from the date of disbursement of the loan, notwithstanding any other printed provisions of the note.

§ 647.113 *Transfer of producer's equity*—(a) *Loan.* The right of the producer to transfer either his right to redeem the peas under loan or his remaining interest may be restricted by CCC.

(b) *Purchase agreements.* The producer may not assign his interest in the purchase agreement.

§ 647.114 *Safeguarding of the peas.* The producer obtaining a farm-storage loan is obligated to maintain the farm storage structures in good repair, and to keep the peas in good condition. In the case of warehouse-storage loans, where the warehouse receipts are marked "sacked identity-preserved," "specially-binned," or "bulk-identity-preserved," the producer is obligated to keep the peas in good condition.

§ 647.115 *Insurance.* CCC will not require the producer to insure the peas placed under farm-storage loans; however, if the producer does insure such peas such insurance shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the peas involved in the loss.

§ 647.116 *Loss or damage to the peas*—(a) *Farm-storage.* The producer is responsible for any loss in quantity or quality of the peas placed under farm storage loan, except that uninsured physical loss or damage other than shrinkage occurring without fault, negligence, or conversion on the part of the producer or any other person having control of the storage structure, resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC, to the extent of the settlement rate, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

(b) *Warehouse-storage.* In the case of loss or damage to peas in warehouse storage from an external cause other than insect infestation the producer's account will be credited in the amount of such loss or damage at the settlement rate.

In the case of peas placed in a warehouse where the warehouse receipt is marked "sacked identity-preserved", "specially-binned", or "bulk identity-preserved", the producer has the same responsibility for loss or damage to the peas as in the case of farm-storage loans. If insurance is carried by the warehouseman or producer, such insurance shall inure to the benefit of CCC to the extent of its interest.

§ 647.117 *Personal liability on loans.* The making of any fraudulent representation by the producer in the loan documents or in obtaining the loan, or the conversion or unlawful disposition of any portion of the peas by him, shall render the producer personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 647.118 *Maturity and satisfaction.* (a) Loans mature on demand but not later than April 30, 1950. In the case of farm storage loans, the producer is required to pay off his loan on or before maturity or to deliver the mortgaged peas in accordance with instructions issued by the county committee. Credit will be given at the applicable settlement value for the total net quantity of sound whole peas so delivered, provided they were stored in the bin(s) in which the peas under loan were stored. The settlement values for peas of an eligible quality delivered to CCC under a farm-storage loan will be the applicable support rates as set forth in § 647.123; otherwise the settlement value shall be the market value at the time of delivery, as determined by CCC.

If the settlement value of the peas delivered under a farm-storage loan exceeds the amount due on the loan, the amount of the excess shall be paid to the producer, by a sight draft drawn on CCC by the State PMA office.

If the settlement value of the peas is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to CCC, or may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the peas may be delivered before the maturity date of the loan upon prior approval of the county committee.

In the case of warehouse-storage loans, if the producer does not repay his loan upon maturity, CCC shall have the right to sell or pool the peas in satisfaction of the loan in accordance with the provisions of the note and loan agreement and § 647.119. Any payment due a producer at time of settlement on a warehouse-storage loan shall be made by the appropriate PMA commodity office.

(b) *Purchase agreements.* The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to deliver any peas to CCC. However, the quantity of sound whole peas he stated in the purchase agreement will be the maximum quantity he may deliver to CCC. If the producer who signs a purchase agreement wishes to sell peas to CCC he will have a 30-day period during which he must notify the county committee of his intention to sell. This period will end on April 30, 1950, or on such earlier date as may be determined by the Manager, CCC.

In the case of eligible peas stored in an approved warehouse, the producer must not later than the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by CCC, submit warehouse receipts, for the quantity of such peas he elects to sell to CCC but not in excess of the quantity shown on Commodity Purchase Form 1. In the case of eligible peas stored in other than approved warehouse-storage, the county committee will, on or after May 1, 1950, issue delivery instructions to the producer. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines that more time is needed for delivery. The quantity of peas delivered must not

be in excess of the quantity shown on Commodity Purchase Form 1. When delivery is completed, payment will be made by sight draft drawn on CCC by the State PMA office on the basis of Commodity Purchase Form 4. The producer shall direct on such form to whom payment of the purchase price shall be made.

Eligible peas will be purchased on the basis of the weight and quality factors shown on the warehouse receipt and accompanying documents; or, if such peas are delivered to a CCC storage facility, on the basis of the weight and quality determinations made by the county committee and approved by the producer. The settlement values for peas delivered under a purchase agreement will be the applicable support rate as set forth in § 647.123.

§ 647.119 *Removal of the peas under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the peas and sell them, either by separate contract or after pooling them with other lots of peas similarly held. If the peas are pooled the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled peas as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of peas, even though part or all of such pooled peas are disposed of under such policies at prices less than the current domestic price for such peas. Any sum due the producer as a result of the sale of peas or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 647.120 *Release of the peas under loan.* A producer may at any time prior to delivery to CCC obtain release of the peas under loan by paying to the holder of the note, or note and loan agreement, the principal amount thereof, plus interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local bank for collection. All charges in connection with the collection of the note shall be paid by the producer. Upon repayment of a farm-storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county recording office records. Partial release of the peas prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of sound whole peas to be released. In case of warehouse-storage loans, each partial release must cover all peas under one warehouse receipt number.

§ 647.121 *Delivery of peas to CCC.* If peas are delivered by the producer to CCC pursuant to a purchase agreement or in satisfaction of a loan, the following terms and conditions shall apply with respect to quantity, quality, delivery point, and charges, except that if the warehouse receipt is marked "sacked identity-preserved," "specially-binned," or "bulk identity-preserved," all determinations of quantity and quality shall be made solely on the basis of official weights and a Federal or Federal-State inspection certificate issued by or under the supervision of the Grain Branch, PMA.

(a) *Acceptable delivery.* CCC will accept eligible peas delivered by the producer pursuant to instructions issued by CCC, or warehouse receipts representing eligible peas issued by an approved warehouse in the producer's name. Eligible peas may be delivered in bulk and no allowance will be made for delivery in sacks unless such delivery is specifically requested by CCC. No allowances will be made for cleaning and processing costs.

(b) *Determination of quantity.* The quantity of eligible peas delivered to CCC from other than an approved warehouse will be determined on the basis of official weight at the point of delivery, evidenced by scale tickets, minus the tare weight of the sacks, if any, and shall be approved by the producer.

The gross weight of eligible peas delivered to CCC in an approved warehouse shall be the weight of peas specified in the warehouse receipt. The quantity of sound whole peas shall be determined by multiplying the gross weight by the percentage of sound whole peas as determined from a Federal inspection certificate or from the warehouse receipt or supplemental certificate.

(c) *Determination of quality.* The county committee will determine the quality of the peas from the Federal or Federal-State inspection certificate, issued by or under the supervision of the Grain Branch, PMA, the warehouse receipt, or supplemental certificate. Eligible peas may contain not to exceed 16.0 percent moisture, shall not have a commercially objectionable odor, shall not be heating, shall not be infested with live weevil or other insects, or be otherwise of distinctly low quality.

To qualify for the No. 1 support rate the defects in the dockage-free portion of the eligible peas must not exceed any of the following maximum limits:

Total bleached and other classes, 1.5% (including other classes 0.5%); shriveled 2.0%; cracked seed coats, 3.0%. The peas shall be a good natural color.

To qualify for the No. 2 support rate, the defects in the dockage-free portion of the eligible peas must fail to meet one or more of the requirements for the No. 1 support rate and must not exceed any of the following maximum limits:

Total bleached and other classes, 3.0% (including other classes 1.0%); shriveled, 4.0%; cracked seed coats, 6.0%. The peas may be slightly off-color.

The percentage limits here given for "other classes" apply only to those peas of which the cotyledons and/or seed coats are not the same color as those of the peas being inspected. An additional allowance of 5.0% for peas qualifying for the No. 1 support rate and 10.0% for peas qualifying for the No. 2 support rate shall be made for other classes of which the cotyledons and/or seed coats are of the same color as those of the peas being inspected.

If peas are delivered to CCC in satisfaction of a loan which do not meet the requirements for eligible peas the quantity and settlement value shall be determined by or under the supervision of the appropriate PMA commodity office.

All terms in this paragraph are as defined in the Official U. S. Standards for Dry Peas.

(d) *Delivery point.* Peas shall be delivered in an approved warehouse, or to an assembly point, or f. o. b. car, country shipping point, as specified by the county committee

(e) *Charges.* Storage, bagging, cleaning, inspection fees and all other charges (except receiving and loading out charges), incurred on peas up to the time of delivery to CCC, shall be paid by the producer prior to such delivery or shall be deducted from the settlement value: *Provided, however,* That on the quantity of eligible peas stored in an eligible warehouse and delivered to CCC under a purchase agreement, CCC will assume warehouse storage charges (not in excess of those allowed under the storage agreement in effect for the 1949 crop with CCC) accruing from May 1, 1950.

If the warehouse receipt is marked "sacked identity-preserved," "specially-binned," or "bulk identity-preserved," and delivery is made to CCC in an approved warehouse the producer shall pay any unpiling, turning, repiling, or other warehouse charges incident to official weight and grade determinations.

§ 647.122 *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus accrued interest, from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit Commodity Credit Corporation Form 500 or such other form as CCC may prescribe, for all payments received on producers' notes held by them, and are required to remit promptly to CCC an amount equivalent to 1½ percent interest per annum on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies shall submit notes and reports to the PMA commodity office serving the area.

§ 647.123 *Support rates.* The support rates per 100 pounds of sound, whole, dry edible smooth peas are as follows:

Class	U. S. No. 1 rate [1]	U. S. No. 2 rate [2]
Alaska, Bluebell, Scotch Green, First and Best, Marrowfat, and White Canada	$3.12	$2.87
Colorado White	2.87	2.62

[1] For peas which grade U. S. No. 1 or would so grade after normal cleaning.

[2] For peas which grade U. S. No. 2 or would so grade after normal cleaning.

§ 647.124 *PMA commodity offices.* The PMA commodity offices and the areas served by them, are shown below:

ADDRESS AND AREA

Atlanta 3, Ga., 448 West Peachtree Street, NE.: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

Chicago 5, Ill., 623 South Wabash Avenue: Illinois, Indiana, Iowa, Michigan, Ohio.

Dallas 2, Tex., 1114 Commerce Street: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Kansas City, Mo., Postal Building, 802 Delaware Avenue: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 1, Minn., 328 McKnight Building: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New York 4, N. Y., 67 Broad Street, Room 1304: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia.

Portland 5, Oreg., 515 Southwest Tenth Avenue: Idaho, Oregon, Washington.

San Francisco 2, Calif., 30 Van Ness Avenue: Arizona, California, Nevada, Utah.

Issued this 5th day of August 1949.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 49-6525; Filed, Aug. 10, 1949; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

Subchapter—Wheat Acreage Allotments

PART 728—WHEAT

SUBPART—REGULATIONS PERTAINING TO THE FARM ACREAGE ALLOTMENTS FOR THE 1950 CROP OF WHEAT

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APPEALS AND REVIEW

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AUTHORITY: §§ 728.10 to 728.22 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375; interpret or apply secs. 301, 334, 52 Stat. 38, 53, 54, 203; 56 Stat. 52; 59 Stat. 9; 7 U. S. C. 1301, 1334.

GENERAL

§ 728.10 *Basis and purpose.* The regulations contained in §§ 728.10 to 728.22 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1950 farm acreage allotments for wheat. The purpose of the regulations in §§ 728.10 to 728.22, is to provide the procedure for allocating the county wheat acreage allotment among farms. Prior to preparing these regulations, Public Notice (14 F. R. 2203) was given in accordance with the Administrative Procedure Act (60 Stat. 237). The data, views, and recommendations pertaining to the regulations in §§ 728.10 to 728.22, which were submitted, have been duly considered within the limits prescribed by the Agricultural Adjustment Act of 1938, as amended.

§ 728.11 *Definitions.* As used in §§ 728.10 to 728.22 and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them.

(a) *Committees.* (1) "Community committee" means the group of persons elected within a community to assist in the administration of the Agricultural Conservation Program in such community.

(2) "County committee" means the group of persons elected within a county to assist in the administration of the Agricultural Conservation Program in such county.

(3) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration charged with the responsibility of administering Production and Marketing Administration programs within the State.

(b) "Farm" means all adjacent or nearby land under the same ownership which is operated in 1949 by one person, including also any field rented tracts under the same ownership.

This definition of a "farm" shall apply in all considerations with respect to establishing 1950 farm wheat acreage allotments and for notifying owners and operators of such allotments (§§ 728.10 to 728.22). For purposes of determining eligibility for price support, a "farm" will be defined in accordance with the definition of a farm contained in the 1950 National Agricultural Conservation Program Bulletin.

A farm shall be regarded as located in the county or administrative area as the case may be in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area as the case may be in which the major portion of the farm is located.

(c) "New farm" means a farm on which wheat will be seeded for harvest in 1950 for the first time since 1946 and is not considered to be an "old farm."

(d) "Old farm" means (1) a farm on which wheat was seeded for harvest in one or more of the three years 1947 through 1949; or (2) a farm on which wheat was not seeded for harvest in any one of the three years 1947 through 1949, if a 1942 wheat acreage allotment was established for the farm and failure to seed wheat thereon for harvest in 1947 was due to (i) the owner or operator serving in the armed forces of the United States, or (ii) an increase in the acreage of war crops in 1947 over the 1941 acreage of such crops on the farm.

(e) "Cropland" means that land on the farm which in 1948 was tilled or was in regular rotation, excluding any land which constitutes or will constitute, if such tillage is continued, a wind erosion hazard to the community and excluding also bearing orchards and vineyards (except the acreage cropped) and plowable non-crop open pasture.

(f) "Operator" means a person who as owner, landlord or tenant is operating a farm.

(g) "Person" means an individual, partnership, association, corporation, estate, trust or other business enterprise or legal entity, and, whenever applicable, a State, the Federal Government, or any agencies thereof.

(h) (1) "Wheat acreage" includes (i) the acreage seeded to wheat excluding a wheat mixture; and (ii) the acreage of volunteer (self-seeded) wheat which reaches maturity.

(2) "Wheat mixture" means a mixture of wheat and other small grains (excluding vetch) containing when seeded less than 50 percent by weight of wheat or not less than 25 percent by weight of rye or barley, which are seeded in the same operation and may reasonably be expected to produce a crop containing such proportions of plants other than wheat that the crop could not be harvested as wheat for grain or seed. An acreage will not be considered as having been devoted to a wheat mixture if the crops other than wheat fail to reach maturity and the wheat is permitted to reach maturity.

(i) "War crops" mean the following crops: soybeans for beans, peanuts picked and threshed, flax for seed, Irish potatoes, sweetpotatoes, dry peas, dry edible beans, grain sorghums, sugar beets, sugarcane, rice, tomatoes for processing, snap beans for processing and sweet corn for processing.

(j) "Wheat Normal" means the acreage of wheat seeded for harvest in 1941 for the farm except (1) the 1941 wheat acreage allotment will be the wheat normal if the acreage of wheat seeded for the 1941 crop was in excess of the 1941 wheat acreage allotment, or (2) an appraised acreage for the farm based on the seedings in nearby years will be the wheat normal if the acreage of wheat for the 1941 crop was not normal for the farm because of abnormal weather and crop conditions or rotation practices.

§ 728.12 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest acre. Fractional acreages of fifty-one hundredths of an acre or more shall be rounded upward, and fractional acreages of fifty hundredths of an acre or less

shall be dropped. For example, 11.51 would be 12 and 11.50 would be 11.

§ 728.13 *Instructions and forms.* (a) The Director, Grain Branch, Production and Marketing Administration, with the approval of the Assistant Administrator for Production, Production and Marketing Administration, shall prepare and issue such instructions and forms as may be deemed necessary for determining acreage allotments in accordance with these regulations.

(b) The State committees of the Production and Marketing Administration are authorized and directed to carry out the administration of the 1950 wheat acreage allotment program in their respective States. The principal responsibilities of the State committee shall include the supervision of the work of the county committees in the apportionment of the county wheat acreage allotments among farms.

§ 728.14 *Applicability of §§ 728.10 to 728.22.* Sections 728.10 to 728.22 shall govern the establishment of the farm acreage allotments for wheat in connection with farm price support programs for the 1950 crop of wheat.

§ 728.15 *Approval of determinations made under §§ 728.10 and 728.22.* The State committee will review all allotments and may correct or require correction of any determinations made under §§ 728.10 to 728.22. All acreage allotments shall be approved by or on behalf of the state committee and no official notice of an acreage allotment shall be mailed until such allotment has been approved by or on behalf of the State committee.

ACREAGE ALLOTMENTS FOR "OLD" FARMS

§ 728.16 *Operator's report of data for "old" farms.* The owner, operator, or any other interested person, shall furnish to the county committee for the county in which the farm is located, the following information:

(a) The name and address of owner and the 1949 operator.

(b) The total acreage of all land in the farm.

(c) The acreage of cropland in the farms.

(d) The 1942 wheat acreage allotment for the farms, if known.

(e) The acreage of wheat on the farm for the years 1941, 1945, 1946, 1947, 1948, and 1949.

(f) The acreage of all other crops and land uses, as requested by the county committee, for the years 1941, 1945, 1946, 1947, and 1948.

(g) Information requested by the county committee relative to changes in operations or in size of the farm.

Information not furnished the county committee shall be determined or appraised by the county committee on the basis of records in the office of the county committee, production and sales records, or other available information.

§ 728.17 *Determination of usual acreages for "old" farms for 1950*—(a) *Tillable acres and crop rotation practices.* To reflect the factors of tillable acres and crop-rotation practices, the county committee shall first determine for each farm a "usual" acreage of wheat. This acreage shall be the average annual acreage of wheat seeded in 1945 to 1948, inclusive, plus for the years 1945, 1946, and 1947 the acreage determined by the county committee to have been diverted from wheat production to the production of war crops under paragraph (b) of this section. However, if, with respect to any farm, the county committee finds that the acreage seeded to wheat (including war crop credit) in any of the years in such period was:

(1) Abnormally low due to extreme flood or drought,

(2) Not typical of the farm for 1950 because of (i) customary crop rotation practices, (ii) a change in such practices, or (iii) a change in the acreage of cropland on the farm,

(3) Abnormally high because of failure of crops other than wheat,

(4) With respect to a farm for which a 1942 wheat acreage allotment was established, abnormally low in 1945, 1946, or 1947, because the owner or operator for the year in question was in the Armed Forces of the United States, such year shall be eliminated in determining the usual acreage of wheat for such farm.

If for any of the years reasonably accurate wheat data are not available, such years shall also be eliminated. If for any farm, all of the years in the applicable period are eliminated, the usual acreage of wheat shall be determined by the county committee by appraisal on the basis of the tillable acreages and crop-rotation practices followed on similar farms. In making such appraisal, the county committee shall take into consideration the wheat acreage history for other farms in the community which are comparable with respect to tillable acres, type of soil, crop-rotation practices, and topography. The usual acreage so determined shall be subject to the following limitations:

(i) If the average acreage seeded to wheat on the farm is greater than the average for the community expressed as a proportion of the cropland, the usual acreage shall not be less than an amount determined by applying to the cropland on the farm the ratio of wheat to cropland in the community nor greater than the average acreage seeded to wheat.

(ii) If the average acreage seeded to wheat on the farm is less than the average for the county expressed as a proportion of the cropland, the usual acreage shall not be more than an amount determined by applying to the cropland on the farm the ratio of wheat to cropland in the community nor less than the average acreage seeded to wheat.

(iii) If because of rotation practices or a change in rotation practices, the "usual acreage" which would be determined under (i) and (ii) above is not typical of the acreage to be seeded to wheat in 1950, a usual acreage which is considered typical for 1950 may be determined based on the knowledge of the rotation practices. The usual adjusted acreage determined under this procedure for a farm on which wheat was seeded in 1949 for the first time since 1944 shall be sufficient so as to result in an allotment for 1950 which will be at least equivalent to an allotment to be determined for a "new" farm which is similar with respect to tillable acres, type of soil, topography, and crop-rotation practices.

(b) *War crop determination.* On any farm for which (1) a wheat acreage allotment was established for the 1942 crop and (2) the total acreage of war crops grown on the farm in 1945, 1946, or 1947 was in excess of the total acreage of war crops grown on the farm in 1941, and (3) the wheat acreage for the farm for 1945, 1946, or 1947 was below the wheat normal, the wheat production history for the farm for any such year will not be considered as representative and the wheat acreage history will be adjusted.

The adjustment for war crop credit for any year shall be the smallest of (1) the decrease in wheat acreage for such year from the wheat normal; (2) the increase in war crops (as defined above) for such year over the 1941 acreage of such crops; (3) the war crop credit appraised by the county committee, taking into consideration (i) increase in idle cropland, (ii) increase in acreage of cropland, (iii) change in rotation practices, (iv) change in type of farming or, (v) that the data for the farm are unreliable.

(c) *Type of soil and topography.* For farms with respect to which variations in the adaptation of the soil for the production of wheat and in the topography of the cropland from the average for the county or the community are not reflected in the usual acreage of wheat for the farm, such usual acreage shall be adjusted by the county committee so as to reflect such variation in the type of soil and topography.

§ 728.18 *1950 "old" farm wheat acreage allotment.* The usual acreages of wheat determined under paragraphs (a) and (c) of § 728.17, adjusted pro rata to equal the county allotment minus appropriate reserves for appeals, corrections, and for "new" farms, shall be the farm acreage allotments for farms on which wheat was seeded, or was considered to have been seeded, for harvest, in at least one of the three years 1947, 1948, and 1949.

§ 728.19 *Reallocation of allotments released from farms removed from agricultural production.* The allotment determined or which would have been determined for any farm which is removed from agricultural production by acquisition in 1940 or thereafter by a United States agency for national defense purposes shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or acquired by owners displaced because of acquisition of their farms by the United States. Upon application to the county committee, any owner so displaced shall be entitled to have an allotment for any other farm owned or acquired by him equal to an allotment which shall compare with the allotments established for other farms in the same area which are similar except for the past acreage of wheat.

§ 728.20 *Farms subdivided or combined.* (a) If the land operated as a single farm in 1949 will be operated in 1950 as two or more farms, the 1950 wheat acreage allotment determined or

which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of wheat in each such tract in such year is to the total number of acres of cropland suitable for the production of wheat on the entire farm in such year.

(b) If two or more farms operated separately in 1949 are combined and operated in 1950 as a single farm, the 1950 allotment shall be the sum of the 1950 allotments determined for each of the farms composing the combination.

ACREAGE ALLOTMENTS FOR "NEW" FARMS

§ 728.21 *Determination of acreage allotments for "new" farms.* The county committee shall determine wheat acreage allotments for farms upon which wheat was not considered as having been seeded in any of the years 1947, 1948, and 1949, but for which wheat acreage allotments are requested for 1950 prior to a closing date set by the State committee as affording reasonable opportunity for requesting such allotments. Such allotments shall be comparable to those determined under § 728.17 for farms which are similar with respect to tillable acres, crop rotation practice, type of soil, and topography: *Provided*, That the wheat acreage allotment for any such farm shall not exceed the wheat acreage allotment requested for the farm: *Provided further*, That the sum of all such farm wheat acreage allotments in the county determined under this section shall not exceed 3 per centum of the county wheat acreage allotment.

APPEALS

§ 728.22 *Right to appeal.* Any interested person as owner, operator, landlord, tenant, or sharecropper, who has reason to believe that he has just grounds, and can offer facts to substantiate his claim, may file an appeal for reconsideration of the allotment. The appeal and facts constituting a basis for such consideration must be submitted in writing and postmarked or delivered to the county committee within 15 days after the date of mailing of the notice. If the appellant is dissatisfied with the decision of the county committee with respect to his appeal, he may appeal to the State committee within 15 days after the date of mailing the notice of the decision of the county committee. If the appellant is dissatisfied with the decision of the State committee he may within 15 days after the date of mailing of the notice of the decision of the State committee, request the Director, Grain Branch, to review his case, whose decision shall be final.

Done at Washington, D. C., this 8th day of August 1949. Witness my hand and the seal of the Department of Agriculture.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 49-6522; Filed, Aug. 10, 1949; 8:51 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Notice 1]

PART 817—ENTRY OF SUGAR INTO THE CONTINENTAL UNITED STATES

REQUIREMENT OF CERTIFICATION

Pursuant to § 817.2 (13 F. R. 127, 14 F. R. 1169), notice is hereby given that the 1949 sugar quota for Cuba, amounting to 2,515,915 short tons of sugar, raw value, has been filled to the extent of 80 per centum or more. Accordingly, pursuant to § 817.2, for the remainder of the calendar year 1949, collectors of customs shall not permit the entry into the continental United States from Cuba of any sugar unless and until the certification described in § 817.2 (a) is issued.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153, 13 F. R. 127, 14 F. R. 1169)

Issued this 9th day of August 1949.

[SEAL] LAWRENCE MYERS,
Director, Sugar Branch, Production and Marketing Administration.

[F. R. Doc. 49-6593; Filed, Aug. 10, 1949; 9:36 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

MISCELLANEOUS AMENDMENTS

Acting pursuant to the authority vested in me by the Federal Airport Act (60 Stat. 170; Pub. Law 377, 79th Cong.), I hereby amend Part 550 of the regulations of the Administrator of Civil Aeronautics as follows:

1. Section 550.5 (h) of this part is hereby amended to read as follows:

§ 550.5 *Procedure.* * * *

(h) *Amendment of grant agreement.* When mutually agreed upon between the Administrator and the sponsor or sponsors of a project, a grant agreement may be amended after execution thereof, if:

(1) The amendment will not increase the maximum obligation of the United States under such grant agreement by more than ten per centum (10%).

(2) The amendment provides only for airport development within the scope of the latest revision of the National Airport Plan, and

(3) The Administrator determines that such amendment is necessary to protect or advance the interests of the United States in civil aviation; provided, that no amendment which increases the maximum obligation of the United States will be approved unless such increase is necessary to meet unforeseen contingencies.

Upon agreement for amendment, the Administrator will issue to the sponsor or sponsors a supplementary agreement incorporating the amendments as approved. Such agreement shall be executed by the sponsor or sponsors in accordance with the regulations governing acceptance of an offer (paragraph (f) of this section).

2. Section 550.7 (b) (2) of this part is hereby amended to read as follows:

§ 550.7 *Performance of construction work.* * * *

(b) *Letting of contracts.* A sponsor shall comply with the following requirements in awarding construction contracts with respect to the performance of any work under a project:

* * * * *

(2) There shall be no advertisement for bids on or negotiation of such a contract until the Regional Administrator has approved the plans and specifications and, if the estimated or negotiated cost or price of such contract exceeds $2,000, until the Regional Administrator has furnished the sponsor a schedule of the minimum wage rates which the contractor shall pay skilled and unskilled labor, as determined by the Secretary of Labor. Such minimum wage rates shall be stated in the invitation for bids or incorporated therein by reference to a schedule of minimum wage rates contained in the advertised specifications. Prior thereto, at a time specified by the District Airport Engineer, the sponsor shall submit to the District Airport Engineer a list of the various classes of labor to be employed in the proposed work, together with a suggested schedule of the minimum wage rates for each such class.

3. Section 550.7 (d) (3) of this part is hereby amended to read as follows:

§ 550.7 *Performance of construction work.* * * *

(d) *Contract requirements.* All construction contracts let by a sponsor with respect to any project shall contain, in addition to such other provisions as may be necessary to ensure accomplishment of the work involved in accordance with the sponsor's grant agreement, provisions requiring:

* * * * *

(3) That the contractor pay all skilled and unskilled labor employed under the contract not less than minimum wage rates predetermined by the Secretary of Labor for such labor. (This provision need not be included in contracts for which a predetermination of wage rates is not required by paragraph (b) (2) of this section.)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(60 Stat. 170; 49 U. S. C. 1101 et seq.)

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 49-6509; Filed, Aug. 10, 1949; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg.,[1] Amdt. 148]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

HOUSING ACCOMMODATIONS IN BUILDING OWNED BY COOPERATIVE CORPORATION OR ASSOCIATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respect:

A new subsection (vi) is added to § 825.5 (a) (18) to read as follows:

(vi) *Housing accommodations in building owned by cooperative corporation or association.* In the case of housing accommodations located in a building which is owned by a cooperative corporation or association, the annual income and annual operating expenses to be used for purposes of this paragraph (a) (18) shall be those for all the dwelling units in such building which are rented or offered for rent by a landlord (either the cooperative corporation or association or a person holding stock or other evidence of interest in such corporation or association), and the test year shall be the latest complete fiscal year of such corporation or association.

The annual income for the dwelling units involved shall include (*a*) the maximum rents for those units, computed on an annual basis, and (*b*) a proportionate share of all other income, other than rental income from dwelling units, earned from the operation of the building during the test year.

The annual operating expenses for the dwelling units involved shall include (*a*) a proportionate share of the annual operating expenses incurred by the cooperative corporation or association with respect to the building: *Provided, however,* That the amount of depreciation may not exceed 16 percent of the annual income for the dwelling units involved where they are located in a building containing five or more dwelling units and not more than 21 percent of such annual income in the case of a building containing less than five dwelling units, and (*b*) all additional annual operating expenses incurred by the landlord which apply exclusively to the dwelling units involved (excluding, however, payments made to the cooperative corporation or association by a holder of stock or other evidence of interest therein, in his capacity as such).

The term "proportionate share," as used in this subdivision (vi), means a share based on the proportion which the number of shares of stock or other evidence of interest allocated to the dwelling units involved bears to the total number of shares of stock or other evidence of interest allocated to all the dwelling units in the building.

Except insofar as they are inconsistent with the foregoing provisions of this subdivision (vi), all the other provisions of this paragraph (a) (18) shall apply to cases covered by this subdivision (vi).

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, and by Public Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d)).

This amendment shall become effective August 8, 1949.

Issued this 8th day of August 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6526; Filed, Aug. 10, 1949; 8:51 a. m.]

[Controlled Housing Rent Reg., New York City Defense-Rental Area,[1] Amdt. 23]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

HOUSING ACCOMMODATIONS IN BUILDING OWNED BY COOPERATIVE CORPORATION OR ASSOCIATION

The Controlled Housing Rent Regulation for New York City Defense-Rental Area (§§ 825.21 to 825.32) is amended in the following respect:

A new subsection (vi) is added to § 825.25 (a) (18) to read as follows:

(vi) *Housing accommodations in building owned by cooperative corporation or association.* In the case of housing accommodations located in a building which is owned by a cooperative corporation or association, the annual income and annual operating expenses to be used for purposes of this paragraph (a) (18) shall be those for all the dwelling units in such building which are rented or offered for rent by a landlord (either the cooperative corporation or association or a person holding stock or other evidence of interest in such corporation or association), and the test year shall be the latest complete fiscal year of such corporation or association.

The annual income for the dwelling units involved shall include (*a*) the maximum rents for those units, computed on an annual basis, and (*b*) a proportionate share of all other income, other than rental income from dwelling units, earned from the operation of the building during the test year.

The annual operating expenses for the dwelling units involved shall include (*a*) a proportionate share of the annual operating expenses incurred by the cooperative corporation or association with respect to the building: *Provided, however,* That the amount of depreciation may not exceed 16 percent of the annual income for the dwelling units involved where they are located in a building containing five or more dwelling units and not more than 21 percent of such annual income in the case of a building containing less than five dwelling units, and (*b*) all additional annual operating expenses incurred by the landlord which apply exclusively to the dwelling units involved (excluding, however, payments made to the cooperative corporation or association by a holder of stock or other evidence of interest therein, in his capacity as such.)

The term "proportionate share", as used in this subdivision (vi), means a share based on the proportion which the number of shares of stock or other evidence of interest allocated to the dwelling units involved bears to the total number of shares of stock or other evidence of interest allocated to all the dwelling units in the building.

Except insofar as they are inconsistent with the foregoing provisions of this subdivision (vi), all the other provisions of this paragraph (a) (18) shall apply to cases covered by this subdivision (vi).

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective August 8, 1949.

Issued this 8th day of August 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6531; Filed, Aug. 10, 1949; 8:52 a. m.]

[Controlled Housing Rent Reg., Miami Defense-Rental Area,[1] Amdt. 27]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

HOUSING ACCOMMODATIONS IN BUILDING OWNED BY COOPERATIVE CORPORATION OR ASSOCIATION

The Controlled Housing Rent Regulation for Miami Defense-Rental Area (§§ 825.41 to 825.52) is amended in the following respect:

A new subsection (vi) is added to § 825.45 (a) (17) to read as follows:

(vi) *Housing accommodations in building owned by cooperative corporation or association.* In the case of housing accommodations located in a building which is owned by a cooperative corporation or association, the annual income and annual operating expenses to be used for purposes of this paragraph (a) (17) shall be those for all the dwelling units in such building which are rented or offered for rent by a landlord (either the cooperative corporation or association or a person holding stock or other evidence of interest in such corporation or association), and the test

[1] 13 F. R. 5706, 5788, 5877, 5937, 6246, 6283, 6317, 6411, 6556, 6881, 6910, 7299, 7671, 7801, 7862, 8217, 8218, 8327, 8386; 14 F. R. 17, 93, 143, 271, 337, 456, 627, 682, 695, 856, 918, 979, 1005, 1083, 1345, 1394, 1519, 1570, 1571, 1587, 1666, 1667, 1733, 1760, 1823, 1868, 1932, 2044, 2059, 2060, 2084, 2176, 2233, 2412, 2441, 2545, 2605, 2607, 2695, 2746, 2761, 2796, 3050, 3079, 3120, 3152, 3200, 3234, 3280, 3311, 3353, 3399, 3451, 3467, 3494, 3556, 3617, 3672, 3673, 3704, 3705, 3745, 3773, 3813, 3848, 3992, 4481, 4450, 4451, 4618, 4749, 4750, 4789, 4803, 4804, 4817, 4818, 4848, 4858, 4873, 4874.

[1] 13 F. R. 5727, 8388; 14 F. R. 18, 93, 144, 1395, 1574, 1868, 2060, 2234, 2607, 3399, 3468, 3674, 3745, 4750, 4819.

[1] 13 F. R. 5735, 6246, 8389; 14 F. R. 20, 93, 145, 978, 1395, 1588, 1868, 2061, 2235, 2607, 2716, 3183, 3400, 3468, 3745, 4751, 4821.

year shall be the latest complete fiscal year of such corporation or association.

The annual income for the dwelling units involved shall include (*a*) the maximum rents for those units, computed on an annual basis, and (*b*) a proportionate share of all other income, other than rental income from dwelling units, earned from the operation of the building during the test year.

The annual operating expenses for the dwelling units involved shall include (*a*) a proportionate share of the annual operating expenses incurred by the cooperative corporation or association with respect to the building: *Provided, however,* That the amount of depreciation may not exceed 16 per cent of the annual income for the dwelling units involved where they are located in a building containing five or more dwelling units and not more than 21 per cent of such annual income in the case of a building containing less than five dwellings units, and (*b*) all additional annual operating expenses incurred by the landlord which apply exclusively to the dwelling units involved (excluding, however, payments made to the cooperative corporation or association by a holder of stock or other evidence of interest therein, in his capacity as such).

The term "proportionate share", as used in this subdivision (vi), means a share based on the proportion which the number of shares of stock or other evidence of interest allocated to the dwelling units involved bears to the total number of shares of stock or other evidence of interest allocated to all the dwelling units in the building.

Except insofar as they are inconsistent with the foregoing provisions of this subdivision (vi), all the other provisions of this paragraph (a) (17) shall apply to cases covered by this subdivision (vi).

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, and by Public Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective August 8, 1949.

Issued this 8th day of August 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6529; Filed, Aug. 10, 1949; 8:52 a. m.]

[Controlled Housing Rent Reg., Atlantic County Defense-Rental Area,[1] Amdt. 23]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

HOUSING ACCOMMODATIONS IN BUILDING OWNED BY COOPERATIVE CORPORATION OR ASSOCIATION

The Controlled Housing Rent Regulation for Atlantic County Defense-Rental Area (§§ 825.61 to 825.72) is amended in the following respect:

A new subsection (vi) is added to § 825.65 (a) (18) to read as follows:

(vi) *Housing accommodations in building owned by cooperative corporation or association.* In the case of housing accommodations located in a building which is owned by a cooperative corporation or association, the annual income and annual operating expenses to be used for purposes of this paragraph (a) (18) shall be those for all the dwelling units in such building which are rented or offered for rent by a landlord (either the cooperative corporation or association or a person holding stock or other evidence of interest in such corporation or association), and the test year shall be the latest complete fiscal year of such corporation or association.

The annual income for the dwelling units involved shall include (*a*) the maximum rents for those units, computed on an annual basis, and (*b*) a proportionate share of all other income, other than rental income from dwelling units, earned from the operation of the building during the test year.

The annual operating expenses for the dwelling units involved shall include (*a*) a proportionate share of the annual operating expenses incurred by the cooperative corporation or association with respect to the building: *Provided, however,* That the amount of depreciation may not exceed 16 percent of the annual income for the dwelling units involved where they are located in a building containing five or more dwelling units and not more than 21 percent of such annual income in the case of a building containing less than five dwelling units, and (*b*) all additional annual operating expenses incurred by the landlord which apply exclusively to the dwelling units involved (excluding, however, payments made to the cooperative corporation or association by a holder of stock or other evidence of interest therein, in his capacity as such).

The term "proportionate share," as used in this subdivision (vi), means a share based on the proportion which the number of shares of stock or other evidence of interest allocated to the dwelling units involved bears to the total number of shares of stock or other evidence of interest allocated to all the dwelling units in the building.

Except insofar as they are inconsistent with the foregoing provisions of this subdivision (vi), all the other provisions of this paragraph (a) (18) shall apply to cases covered by this subdivision (vi).

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, and by Public Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective August 8, 1949.

Issued this 8th day of August 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6528; Filed, Aug. 10, 1949; 8:51 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,[1] Amdt. 137]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

HOUSING ACCOMMODATIONS IN BUILDING OWNED BY COOPERATIVE CORPORATION OR ASSOCIATION

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is amended in the following respect:

A new subsection (vi) is added to § 825.85 (a) (11) to read as follows:

(vi) *Housing accommodations in building owned by cooperative corporation or association.* In the case of housing accommodations located in a building which is owned by a cooperative corporation or association, the annual income and annual operating expenses to be used for purposes of this paragraph (a) (11) shall be those for all the dwelling units in such building which are rented or offered for rent by a landlord (either the cooperative corporation or association or a person holding stock or other evidence of interest in such corporation or association), and the test year shall be the latest complete fiscal year of such corporation or association.

The annual income for the dwelling units involved shall include (*a*) the maximum rents for those units, computed on an annual basis, and (*b*) a proportionate share of all other income, other than rental income from dwelling units, earned from the operation of the building during the test year.

The annual operating expenses for the dwelling units involved shall include (*a*) a proportionate share of the annual operating expenses incurred by the cooperative corporation or association with respect to the building: *Provided, however,* That the amount of depreciation may not exceed 16 percent of the annual income for the dwelling units involved where they are located in a building containing five or more dwelling units and not more than 21 percent of such annual income in the case of a building containing less than five dwelling units, and (*b*) all additional annual operating expenses incurred by the landlord which apply exclusively to the dwelling units involved (excluding, however, payments made to the cooperative corporation or association by a holder of stock or other evidence of interest therein, in his capacity as such).

The term "proportionate share", as used in this subdivision (vi), means a share based on the proportion which the

[1] 13 F. R. 5743, 8390; 14 F. R. 19, 93, 145, 1395, 1577, 1868, 2061, 2175, 2236, 2607, 3400, 3468, 3746, 4751, 4822.

[1] 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8328, 8388; 14 F. R. 18, 272, 337, 457, 627, 682, 695, 857, 918, 978, 1083, 1345, 1520, 1570, 1582, 1587, 1669, 1670, 1734, 1759, 1869, 1932, 2061, 2062, 2085, 2177, 2237, 2412, 2413, 2440, 2441, 2545, 2607, 2608, 2695, 2746, 2762, 2796, 2898, 3050, 3079, 3121, 3153, 3201, 3234, 3280, 3311, 3353, 3400, 3451, 3468, 3469, 3494, 3555, 3617, 3675, 3705, 3746, 3772, 3811, 3812, 3849, 3993, 4482, 4551, 4552, 4593, 4617, 4668, 4751, 4752, 4789, 4790, 4804, 4823, 4849, 4859, 4873

number of shares of stock or other evidence of interest allocated to the dwelling units involved bears to the total number of shares of stock or other evidence of interest allocated to all the dwelling units in the building.

Except insofar as they are inconsistent with the foregoing provisions of this subdivision (vi), all the other provisions of this paragraph (a) (11) shall apply to cases covered by this subdivision (vi).

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective August 8, 1949.

Issued this eighth day of August 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6527; Filed, Aug. 10, 1949; 8:51 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., New York City Defense-Rental Area,[1] Amdt. 19]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

HOUSING ACCOMMODATIONS IN BUILDING OWNED BY COOPERATIVE CORPORATION OR ASSOCIATION

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in New York City Defense-Rental Area (§§ 825.101 to 825.112) is amended in the following respect:

A new subsection (vi) is added to § 825.105 (a) (11) to read as follows:

(vi) *Housing accommodations in building owned by cooperative corporation or association.* In the case of housing accommodations located in a building which is owned by a cooperative corporation or association, the annual income and annual operating expenses to be used for purposes of this paragraph (a) (11) shall be those for all the dwelling units in such building which are rented or offered for rent by a landlord (either the cooperative corporation or association or a person holding stock or other evidence of interest in such corporation or association), and the test year shall be the latest complete fiscal year of such corporation or association.

The annual income for the dwelling units involved shall include (*a*) the maximum rents for those units, computed on an annual basis, and (*b*) a proportionate share of all other income, other than rental income from dwelling units, earned from the operation of the building during the test year.

The annual operating expenses for the dwelling units involved shall include (*a*) a proportionate share of the annual operating expenses incurred by the cooperative corporation or association with respect to the building: *Provided, however,* That the amount of depreciation may not exceed 16 percent of the annual income for the dwelling units involved where they are located in a building containing five or more dwelling units and not more than 21 percent of such annual income in the case of a building containing less than five dwelling units, and (*b*) all additional annual operating expenses incurred by the landlord which apply exclusively to the dwelling units involved (excluding, however, payments made to the cooperative corporation or association by a holder of stock or other evidence of interest therein, in his capacity as such).

The term "proportionate share", as used in this subdivision (vi), means a share based on the proportion which the number of shares of stock or other evidence of interest allocated to the dwelling units involved bears to the total number of shares of stock or other evidence of interest allocated to all the dwelling units in the building.

Except insofar as they are inconsistent with the foregoing provisions of this subdivision (vi), all the other provisions of this paragraph (a) (11) shall apply to cases covered by this subdivision (vi).

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective August 8, 1949.

Issued this 8th day of August 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6532; Filed, Aug. 10, 1949; 8:52 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Miami Defense-Rental Area,[1] Amdt. 22]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

HOUSING ACCOMMODATIONS IN BUILDING OWNED BY COOPERATIVE CORPORATION OR ASSOCIATION

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in Miami Defense-Rental Area (§§ 825.121 to 825.132) is amended in the following respect:

A new subsection (vi) is added to § 825.125 (a) (10) to read as follows:

(vi) *Housing accommodations in building owned by cooperative corporation or association.* In the case of housing accommodations located in a building which is owned by a cooperative corporation or association, the annual income and annual operating expenses to be used for purposes of this paragraph (a) (10) shall be those for all the dwelling units in such building which are rented or offered for rent by a landlord (either the cooperative corporation or association or a person holding stock or other evidence of interest in such corporation or association), and the test year shall be the latest complete fiscal year of such corporation or association.

The annual income for the dwelling units involved shall include (*a*) the maximum rents for those units, computed on an annual basis, and (*b*) a proportionate share of all other income, other than rental income from dwelling units, earned from the operation of the building during the test year.

The annual operating expenses for the dwelling units involved shall include (*a*) a proportionate share of the annual operating expenses incurred by the cooperative corporation or association with respect to the building: *Provided, however,* That the amount of depreciation may not exceed 16 percent of the annual income for the dwelling units involved where they are located in a building containing five or more dwelling units and not more than 21 percent of such annual income in the case of a building containing less than five dwelling units, and (*b*) all additional annual operating expenses incurred by the landlord which apply exclusively to the dwelling units involved (excluding, however, payments made to the cooperative corporation or association by a holder of stock or other evidence of interest therein, in his capacity as such).

The term "proportionate share," as used in this subdivision (vi), means a share based on the proportion which the number of shares of stock or other evidence of interest allocated to the dwelling units involved bears to the total number of shares of stock or other evidence of interest allocated to all the dwelling units in the building.

Except insofar as they are inconsistent with the foregoing provisions of this subdivision (vi) all the other provisions of this paragraph (a) (10) shall apply to cases covered by this subdivision (vi).

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, and by Public Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective August 8, 1949.

Issued this 8th day of August 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6530; Filed, Aug. 10, 1949; 8:52 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5733]

PART 182—INDUSTRIAL ALCOHOL

FORMULA FOR MANUFACTURE OF COMPLETELY DENATURED ALCOHOL

1. The appendix to Regulations 3, approved March 6, 1942 (26 CFR, Part 182), is hereby amended by authorizing the

[1] 13 F. R. 5770, 8391; 14 F. R. 19, 1580, 1869, 2062, 2238, 2608, 3401, 3469, 3676, 3746, 4752.

[1] 13 F. R. 5750 5789, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8219, 8328, 8388; 14 F. R. 18, 272, 337, 457, 627, 695, 857, 918, 978, 1083, 1345, 1520, 1570, 1582, 1587, 1669, 1670, 1734, 1759, 1869, 1932, 2061, 2062, 2085, 2176, 2237, 2413, 2440, 2441, 2545, 2607, 2608, 2695, 2746, 2761, 2796, 3079, 3121, 3153, 3201, 3234, 3280, 3311, 3353, 3400, 3451, 3468, 3494, 3555, 3617, 3675, 3705, 3746, 3772, 3811, 3812, 3849, 3993, 4482, 4451, 4452, 4617, 4668, 4751, 4758, 4790.

following formula for the manufacture of completely denatured alcohol:

Formula No. 15

To every 100 gallons of ethyl alcohol of not less than 160° proof add:
3.5 gallons of ST–115 or a compound similar thereto.
0.25 gallon of methyl isobutyl ketone.
1.0 gallon of CS–501.
1.0 gallon of kerosene.

2. The purpose of this amendment is to afford manufacturers of completely denatured alcohol more latitude in the selection of denaturants.

3. It is found that compliance with the notice, public rule-making procedure and effective date requirements of the Administrative Procedure Act (Public Law 404—79th Cong.) is unnecessary in connection with the issuance of these regulations for the reason that the change made liberalizes requirements imposed upon the industry by enabling it to use the new formula in lieu of formulae now prescribed for completely denatured alcohol.

4. This Treasury decision shall be effective upon its publication in the FEDERAL REGISTER.

(Secs. 3070 (a), 3105 (a) and 3176, I. R. C.; 26 U. S. C. 3070 (a), 3105 (a), 3176)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: August 5, 1949.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 49–6533; Filed, Aug. 10, 1949; 8:52 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

Subchapter B—Statements of General Policy or Interpretation Not Directly Related to Regulations

PART 778—OVERTIME COMPENSATION

MISCELLANEOUS AMENDMENTS

Pursuant to authority vested in me by the Fair Labor Standards Act of 1938, this part is hereby amended as follows:

1. The present §§ 778.1 to 778.3, inclusive, are rescinded, and the following are substituted therefor;

§ 778.1 *Employees receiving premium pay for overtime or extra-hours work under employment agreement or other law*—(a) *General statement.* As a result of the amendment made by the act of July 20, 1949,[1] adding a new subsection (7 (e)) to the overtime compensation provisions of the Fair Labor Standards Act, certain premiums paid by employers for work on Saturdays, Sundays, holidays, the sixth or seventh day of the workweek, or at hours outside those established as the basic, normal, or regular workweek need not be added to an employee's straight-time pay in determining his "regular rate" for purposes of computing overtime compensation due under the Fair Labor Standards Act and may be credited toward overtime payments required by the act. The amendment, which is retroactive in effect,[2] makes it lawful to treat as overtime premiums, for purposes of the act, certain payments which the Supreme Court in *Bay Ridge Operating Co., Inc.* v. *Aaron* and *Huron Stevedoring Corp.* v. *Blue* (334 U. S. 446) held were not "true overtime" pay under the act. However, the legislative history makes it clear that the amendment is intended to furnish only a partial definition of "regular rate" of pay. It is concerned only with the status, for purposes of the act, of premium payments that meet the requirements of section 7 (e); the amendment does not otherwise affect the applicability of the judicially established principles in reference to overtime compensation. The types of premium payments which may be treated as overtime premiums for purposes of the Fair Labor Standards Act, as amended, are:

(1) Extra compensation provided by a premium rate paid to the employee for work in excess of a bona fide daily or weekly standard number of hours or days (true overtime premiums under the principles approved by the Court in the Bay Ridge decision);

(2) Extra compensation provided by a premium rate paid to the employee for work on Saturdays, Sundays, or holidays, or on the sixth or seventh day of the workweek, where such premium rate is not less than one and one-half times the rate established in good faith for like work performed in nonovertime hours on other days (section 7 (e) (1) of the act, as amended);

(3) Extra compensation provided by a premium rate paid to the employee, in pursuance of an applicable employment contract or collective bargaining agreement, for work outside of the hours established in good faith by the contract or agreement as the basic, normal, or regular workday of not more than 8 hours, or as the basic, normal, or regular workweek of not more than 40 hours, where such premium rate is not less than one and one-half times the rate established in good faith by the contract or agreement for like work performed during such workday or workweek (section 7 (e) (2) of the act, as amended).

Such extra compensation will not be deemed part of the regular rate at which the employee is employed and may be credited toward any premium compensation due him under the act for overtime work in excess of 40 hours in a workweek.

Premium payments other than those described in subparagraphs (1), (2), and (3) of this paragraph, cannot be treated as overtime premiums for purposes of the act. Thus, the act requires the inclusion in an employee's regular rate of premium payments for work on Saturdays, Sundays, holidays, at night, or at particular hours of the day or week, as such, which are made without regard to the number of hours or days previously worked by the employee in the day or workweek, unless they meet all the requirements of subparagraph (2) or subparagraph (3), of this paragraph. In addition, such premium payments may not be offset against overtime compensation required by the act for work in excess of 40 hours in a workweek.

(b) *True overtime premiums under the Bay Ridge decision.* The type of premium payment in paragraph (a) (1) of this section, has always been regarded by the Administrator as a true overtime premium. The decision of the Supreme Court in the Bay Ridge case confirmed the correctness of this view. Accordingly, where the payment, under an employment contract or statute, of a premium rate for work performed by an employee is in fact contingent upon the employee's having previously worked a specified number of hours in the day or workweek, or a specified number of days in the workweek, according to a bona fide standard,[3] the extra compensation provided by such premium rate will be regarded as a true overtime premium. As such, it need not be included in the regular rate and may be offset against the statutory overtime compensation due under the act, regardless of whether the premium rate paid for the overtime work is 1⅓, 1½, double, or some other multiple of the bona fide straight-time rate of pay. For example, where an employee is paid at such a premium rate for hours worked after completing his regular or normal hours of work for the day or week (such as 7 in a day or 35 in a week), the extra compensation provided by the premium rate for such overtime work is a true overtime premium to be excluded in computing the employee's regular rate for purposes of the act and is creditable toward any compensation required by the act for hours worked in excess of 40 in the workweek. Similarly, extra compensation provided by a premium rate (even though less than time and one-half) paid for work on the sixth or seventh day worked in the workweek will be regarded as a true overtime premium when paid by reason of that fact, even though an applicable contract also contains a provision calling for payment at the premium rate for work on those particular days, as such.

Under the principles established by the Supreme Court's decision in the Bay Ridge case, extra compensation provided by a premium rate paid to an employee is not a true overtime premium if the higher rate is paid because of undesirable hours or disagreeable work, rather than because of previous work in the day or workweek for a specified number of

[1] Pub. No. 177, 81st Cong., 1st Sess.

[2] Ibid., sec. 2, see § 778.3.

[3] In situations where the normal or regular working hours are artificially divided into a "straight-time" period to which one "rate" is assigned, followed by a so-called "overtime" period for which a higher "rate" is specified, the so-called "straight-time" period will not be regarded as the bona fide standard working period of the employee and no part of the payments made for the purported "overtime" period may be excluded from the employee's regular rate or credited toward overtime compensation due under the act for work in excess of 40 hours. Such a device contravenes the statutory purposes. See *Walling* v. *Helmerich & Payne*, 325 U. S. 37; *Robertson* v. *Alaska Juneau Mining Co.*, 157 F. (2d) 876 (C. A. 9), certiorari denied on this issue, 331 U. S. 823.

hours or days, according to a bona fide standard. Accordingly, where an employee is paid at an increased rate for work on Saturday, Sunday, at night, or at other particular times of the day or week, and where the payments are not of a type described in section 7 (e) of the act, as amended (i. e., the types in paragraphs (a) (2) and (3), of this section), it becomes necessary to determine whether such payments are in fact made for time worked in excess of a bona fide standard or, on the other hand, simply because such periods are less desirable for the performance of work. In carrying out his duties under the act, the Administrator, in making such determinations, will look not only at the terms of the applicable contract but also at the actual practice of the parties under the contract. Thus, the mere fact that a contract calls for premium payments for work on Saturdays, Sundays, or at night would not necessarily prove that the higher rate is paid merely because of undesirable working hours, if, as a matter of fact, the actual practice of the parties shows that the payments are made because the employees have previously worked a specified number of hours or days, according to a bona fide standard. For example, a contract may provide for payment of a premium rate of compensation for Saturday work, and also for overtime compensation at a premium rate for hours worked in excess of 40 in the week or in excess of any other bona fide daily or weekly contractual standard. In such a situation, where it appears from the pattern of employment in the plant or group of employees in which the employee works that Saturday work normally falls within the contractual overtime hours, in that the employees normally work the 40 hours (or other bona fide standard period) before working on Saturday, this will ordinarily be a sufficient showing that the premium paid for work on Saturday during the contractual overtime hours is actually paid because of excessive hours of work. In such event, the extra compensation provided by the premium rate paid for such work need not be included in the regular rate and may be offset against the statutory overtime compensation due under the act.

(c) *Payments which may be treated as overtime premiums under section 7 (e) of the act, as amended.* The types of premium payments in paragraphs (a) (2), and (3) of this section, may be treated as overtime premiums for purposes of the act, regardless of whether they qualify as true overtime premiums under the principles announced in the Bay Ridge decision. It will be noted, however, that section 7 (e) of the act, as amended, authorizes this only if the premium rate for work done during the periods described is not less than one and one-half times the bona fide rate applicable for like work performed during nonovertime hours. Where the premium rate is less than one and one-half times such nonovertime rate of pay, the extra compensation provided by such rate must be included in determining the employee's regular rate of pay, and cannot be credited toward statutory overtime compensation due, unless it qualifies as a true overtime premium under the principles announced in the Bay Ridge decision and explained in paragraph (b) of this section. The same is true of premium payments which are not specifically described in section 7 (e) (1) of the act, as amended (see paragraph (a) (2) of this section) and are not within the terms of section 7 (e) (2) thereof (see paragraph (a) (3) of this section) because the premium rate (whether at one and one-half times or some greater multiple of the nonovertime rate) is paid for work outside of a basic or normal or regular workday greater than eight hours or for work outside of a basic or normal or regular workweek greater than forty hours.

It will be observed that the premium payments which section 7 (e) of the act, as amended, authorizes to be treated as overtime premiums are limited to those actually based on rates and work periods "established in good faith." The legislative history of the amendment [4] shows that this phrase is used for the purpose of distinguishing the bona fide employment standards contemplated by section 7 (e) from fictitious schemes and artificial or evasive devices such as have been condemned in a long line of decisions by the Supreme Court and several United States courts of appeals,[5] and that the amendment in no way validates such schemes or devices or affects the principles established by this line of decisions.

Premiums of the type in paragraph (a) (3) of this section, which section 7 (e) (2) authorizes to be treated as overtime premiums, must be paid "in pursuance of an applicable employment contract or collective bargaining agreement," and the rates of pay and the daily and weekly work periods referred to must be established in good faith by such contract or agreement. Although as a general rule a collective bargaining agreement is a formal agreement which has been reduced to writing, an employment contract for purposes of section 7 (e) (2) may be either written or oral. Where there is a written employment contract and the practices of the parties differ from its provisions, it must be determined whether the practices of the parties have modified the contract. If the practices of the parties have modified the written provisions of the contract, the provisions of the contract as modified by the practices of the parties will be controlling in determining whether the requirements of section 7 (e) (2) are satisfied. The determination as to the existence of the requisite provisions in an applicable oral employment contract will necessarily be based on all the facts, including those showing the terms of the oral contract and the actual employment and pay practices thereunder.

(d) *Examples illustrating the application of section 7 (e)—(1) Premiums for week-end and holiday work.* The application of section 7 (e) (1) with respect to premiums of the type in paragraph (a) (2) in this section, may be illustrated by the following example. Suppose an agreement of employment calls for the payment of $1.50 per hour for all hours worked on a holiday or on Sunday in the operation of machines whose operators are paid a bona fide hourly rate of $1.00 for like work performed during nonovertime hours on other days. Suppose further that the workweek of such an employee begins at 12:01 a. m., Sunday, and in a particular week he works a schedule of 8 hours on Sunday and on each day from Monday through Saturday, making a total of 56 hours worked in the workweek. Tuesday is a holiday. The payment of $64 to which the employee is entitled under the employment agreement will satisfy the requirements of the act since the employer may properly exclude from the regular rate the extra $4.00 paid for work on Sunday and the extra $4.00 paid for holiday work and credit himself with such amount against the statutory overtime premium required to be paid for the 16 hours worked over 40.

(2) *Premiums for work outside basic workday or workweek.* The effect of section 7 (e) (2) where premiums of the type in paragraph (a) (3) of this section, are paid may be illustrated by reference to provisions typical of the applicable collective bargaining agreements traditionally in effect between employers and employees in the longshore and stevedoring industries. These agreements specify straight-time rates applicable during the hours established in good faith under the agreement as the basic, normal, or regular workday and workweek. Under one such agreement, for example, such workday and workweek are established as the first six hours of work, exclusive of mealtime, each day, Monday through Friday, between the hours of 8 a. m., and 5 p. m. Under another typical agreement, such workday and workweek are established as the hours between 8 a. m., and 12 noon and between 1 p. m., and 5 p. m., Monday through Friday. Work outside such workday and workweek is paid for at premium rates not less than one and one-half times the bona fide straight-time rates applicable to like work when performed during the basic, normal, or regular workday or workweek. The extra compensation provided by such premium rates will be excluded in computing the regular rate at which the employees so paid are employed and may be credited toward overtime compensation due under the Fair Labor Standards Act. For example, if an employee is paid $1.00 an hour under such an agreement for handling general cargo during the basic, normal, or regular workday and $1.50 an hour for like work outside of such workday, the extra 50 cents will be excluded from the regular rate and may be credited to overtime pay due under the act. Similarly, if the straight-time rate established in good faith by the

[4] House Rep. No. 121, Senate Rep. No. 402, 81st Cong., 1st Sess.

[5] See, for example, the cases cited in footnote 3, above, and *Walling* v. *Youngerman-Reynolds Hardwood Co.*, 325 U. S. 419; *Madison Ave. Corp.* v. *Asselta*, 331 U. S. 199; *Walling* v. *Alaska-Pacific Consol. Mining Co.*, 152 F. (2d) 812 (C. A. 9); *McComb* v. *Sterling Ice & Cold Storage Co.*, 165 F. (2d) 265 (C. A. 10); *Watkins* v. *Hudson Coal Co.*, 151 F. (2d) 311 (C. A. 3); *Walling* v. *Uhlmann Grain Co.*, 151 F. (2d) 381 (C. A. 7); *Castle* v. *Walling*, 153 F. (2d) 923 (C. A. 5).

contract should be higher because of handling dangerous or obnoxious cargo, recognition of skill differentials, or similar reasons, so as to be $1.50 an hour during the hours established as the basic or normal or regular workday or workweek, and a premium rate of $2.25 an hour is paid for the same work performed during other hours of the day or week, the extra 75 cents may be excluded from the regular rate of pay and may be credited toward overtime pay due under the act. Similar principles are applicable where agreements following this general pattern exist in other industries.

(3) *Premiums for work on regular days of rest.* To illustrate further the application of section 7 (e) (2) of the act, as amended, suppose Wednesday and Thursday are regular days of rest for an employee whose basic, normal, or regular workweek is established in good faith under an applicable employment contract or agreement as five 8-hour days on Monday, Tuesday, Friday, Saturday and Sunday. The contract or agreement provides that time and one-half, based on the straight-time rate established in good faith for like work performed during the hours established as the basic, normal, or regular workweek shall be paid for work performed outside such hours. In such a situation any hours worked on Wednesday or Thursday, the regular days of rest, would be considered as being outside of the hours established as the basic, normal, or regular workweek and the extra half-time paid for such hours of work could be excluded in determining the regular rate of pay and credited toward any overtime compensation due under the act.

Another illustration might involve a situation where it is the practice under the employment contract to assign employees to hours of work on a rotating-shift basis. In such case an employee's regular days of rest might be Monday and Tuesday during one workweek and Thursday and Friday the next workweek. If in such a situation the days of rest are specified by a prearranged schedule established in good faith under the applicable employment contract or collective bargaining agreement and are paid for at a premium rate because they fall outside a basic or normal or regular straight-time workweek of not more than 40 hours established in good faith by the contract or agreement, and if such premium rate is not less than one and one-half times the bona fide rate established for like work performed on the days included in such basic or normal or regular workweek, the extra compensation provided by the premium rate for work on such scheduled days of rest may be treated as an overtime premium and thus need not be included in computing the employee's regular rate of pay and may be credited toward overtime payments due under the act.

§ 778.2 *Payments not made for hours worked distinguished.* The principles discussed and illustrated in § 778.1 have reference to payments for hours worked. They do not relate to payments that are not made for hours worked, such as payments made to employees for idle holidays or for occasional absences due to vacation or illness or other similar cause.[6] There is no change in the Administrator's position that such payments may be excluded from the computation of an employee's regular rate and cannot be credited toward statutory overtime compensation due him under section 7 of the act. Thus, where the employment agreement and established practice thereunder show that an employee receives holiday pay at the usual straight-time rate for a holiday without regard to whether he performs any work on such day, the payment does not affect his regular rate and, since it is not compensation for overtime hours worked, cannot be offset in computing overtime compensation due under the act. This is true even in those workweeks when the employee works on such a holiday and is paid such holiday pay in addition to compensation at the applicable straight-time or higher rate for the hours actually worked on the holiday.

§ 778.3 *Retroactive effect of amendment; earlier interpretations superseded.* Section 2 of the act of July 20, 1949 (Pub. Law 177, 81st Cong., 1st sess.) provides that no employer shall be subject to any liability or punishment under the Fair Labor Standards Act in any action or proceeding (regardless of when commenced), on account of his failure to compensate an employee for overtime work performed prior to July 20, 1949, if for such work he paid compensation at least equal to that which would have been payable therefor had the amendment of July 20, 1949, been in effect at the time. The intent of this provision is to treat as overtime premium any portion of the compensation paid to an employee in any workweek prior to July 20, 1949, in accordance with the standards and conditions contained in section 7 (e) of the act, as amended.[7] In carrying out his duties under the act, the Administrator will give retroactive effect to the amendment in conformity with this intent.

This section and the above §§ 778.1 and 778.2 supersede the like-numbered sections in the statement of interpretation and enforcement policy published (13 F. R. 4534) on August 6, 1948. The Administrator will apply the principles stated above in §§ 778.1 and 778.2, and in this section in carrying out his administrative duties under the act unless and until he is otherwise directed by authoritative decisions of the courts or concludes, upon re-examination of an interpretation, that it is incorrect. All prior administrative rulings, interpretations, practices and enforcement policies relating to the overtime pay requirements of the Fair Labor Standards Act are, to the extent that they are inconsistent or in conflict with the principles stated in this part, hereby rescinded and withdrawn.

2. Section 778.4 (14 F. R. 3077) is amended by deleting from the third sentence thereof the words "release PR 161" and the comma following, and by removing the parentheses enclosing the words "§§ 778.1 to 778.3".

(52 Stat. 1060; 29 U. S. C. 201)

Signed at Washington, D. C., this 5th day of August 1949.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 49-6496; Filed, Aug. 10, 1949; 8:46 a. m.]

[6] See also § 778.4.

[7] Senate Report No. 402, 81st Cong., 1st Sess., p. 11.

TITLE 32—NATIONAL DEFENSE

Chapter I—National Guard and State Guard, Department of the Army

PART 101—NATIONAL GUARD REGULATIONS

BURIAL

Paragraph (b) of § 101.41 is rescinded and the following substituted therefor:

§ 101.4 *Burial.* * * *

(b) *Expenses allowable*—(1) *Limitations.* Burial expenses are payable from appropriated National Guard funds and will be restricted to:

(i) Recovery of body.

(ii) Preparation for burial.

(*a*) Funeral director's services, including embalming and other preservative methods.

(*b*) Cost of casket.

(*c*) Cost of outside box, when required.

(*d*) Hire of hearse.

(iii) Clothing.

(iv) Cremation, in lieu of interment, including a suitable urn, at a reasonable cost.

(v) Interment expenses not to exceed $75.00.

(vi) Transportation of remains, including round-trip transportation and subsistence of an escort, to the decedent's house or the place where he received orders for the period of training upon which engaged at the time of death, or to such other place as his relatives may designate provided the distance to such other place is not greater than the distance to his home. Only those members of the National Guard who have had active Federal service and whose last service therein terminated honorably are eligible for burial in a National Cemetery.

(2) *Flag.* An interment flag is authorized to be furnished to drape the casket containing the remains of each deceased member of the National Guard who, at the time of death, is a member in good standing of a federally recognized unit. The flag may be retained by the legal next of kin after the funeral. The interment flag will be issued by the United States property and disbursing officer to the organization commander of the deceased. The signature of the organization commander on the document of issue will constitute a valid credit document for accountability purposes.

(3) *Clothing.* (i) The clothing issued to the deceased will be used to clothe the remains, if available, and in a clean and good condition; otherwise the following items of uniform clothing may be issued for this purpose upon the request of the legal next of kin:

1 coat, wool, or jacket, wool.
1 pair trousers, field, wool, or cotton.
1 shirt, cotton, or flannel.
1 pair socks, cotton, or wool.
1 necktie.
1 pair insignia, collar, United States, enlisted man.
1 pair insignia, collar, arm or service, enlisted man.
Such medals, ribbons, and other insignia to which the decedent was entitled to wear.

(ii) Clothing may be issued only to those enlisted men who, at the time of death, are members in good standing of a federally recognized unit.

(iii) Accountability and responsibility for such items of clothing will be terminated upon execution by the responsible officer of a certificate on the Turn-In Slip (DA AGO Form 447) substantially as follows:

I certify that upon the request of _____, legal next of kin of the deceased _____, the items of clothing enumerated above were issued to clothe his remains for funeral purposes. At the time of his death, the deceased was a member in good standing of this organization.

(iv) In the case of an officer or warrant officer who is not entitled to issue clothing or in the case of any enlisted man where neither his own clothing nor issue clothing is available, necessary clothing may be purchased chargeable to funds available for disposition of the remains.

(4) *Interment expenses.* An amount not exceeding $75.00 will be allowed toward interment expenses when final interment of remains is in a private cemetery except in cases where remains are cremated. Upon request, the Government will reimburse such next of kin or other persons who pay interment expenses an amount up to but not exceeding the $75.00 maximum; any expenses over and above this amount must be borne by the next of kin or other persons who incurred or paid the expenses.

(5) *Cremation.* Remains may be cremated only upon written request of legal next of kin, either at place of death, or after arrival at destination. In addition to the cost of cremation, a reasonable amount for a suitable urn for the ashes is authorized. No allowance toward interment expenses as prescribed in subparagraph (4) of this paragraph is made if remains are cremated.

(6) *Limitation of burial expenses.* Payment for burial expenses is limited to an amount not exceeding that allowed by the Government for such services. The National Guard Bureau is the governmental agency authorized to determine the amount of expenses payable from Federal funds, in cases involving National Guard personnel.

Accordingly, all request for payment will be approved by the National Guard Bureau prior to forwarding to the disbursing officer for payment.

[NGR 63, June 13, 1949] (49 Stat. 1508; 32 U. S. C. 164c)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 49-6492; Filed, Aug. 10, 1949; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter B—Military Personnel

[CGFR 49-25]

PART 40—CADETS OF THE COAST GUARD

DEPOSITS REQUIRED FROM CADETS; PHYSICAL STANDARDS FOR THE EYE

By virtue of the authority contained in Act of June 23, 1906, as amended (14 U. S. C. 15) and the Act of June 18, 1878, as amended (14 U. S. C. 92), the following amendments to the regulations are prescribed and shall be effective on and after the date of publication of this order in the FEDERAL REGISTER:

1. Section 40.18 is amended to read as follows:

§ 40.18 *Deposit required.* A cadet, upon admission to the Coast Guard Academy, shall be credited with the sum of $250 to defray the cost of his initial clothing and equipment, this sum to be deducted subsequently from his pay in accordance with regulations promulgated by the Secretary of the Treasury. In addition each cadet upon appointment shall deposit with the Superintendent of the Academy the sum of $200, this amount to be used to help defray initial clothing and equipment costs which exceed the amount of the $250 credited. The Superintendent of the Academy in exceptional circumstances is authorized to waive this requirement in part, but the amount so waived shall be made up by deductions in amounts to be determined by the Superintendent from the cadet's monthly cash allowances. A cadet may use so much of this $200 as may be necessary to defray his traveling expenses to the Academy. The amount thus used will be deposited with the Superintendent of the Academy when the cadet shall have been paid his mileage.

2. Section 40.26 is amended by changing paragraph (i) (1) to read as follows:

§ 40.26 *Physical standards.* * * *

(i) (1) The eye: Loss of eye; total loss of sight of either eye; conjunctival affections, including trachoma; opacites of the cornea, if covering a part of moderately dilated pupil; petrygium, if extensive; strabismus; hydrophthalmia; exophthalmia; conical cornea; cataract; loss of crystalline lens; diseases of the lachrymal apparatus; ectropion; ptosis; incessant spasmodic motion of the lids; adhesion of the lids; large encysted tumors; abscess of the orbit; muscular asthenopia; nystagmus; any affection of the globe of the eye or its contents; defective vision, including anomalies of accommodation and refraction; myopia; hypermatropia, if accompanied by asthenopia; astigmatism, amblyopia; glaucoma; diplopia; color blindness (candidates shall be required to read correctly any 17 of the 20 plates of the revised first edition, American Optical Company Chart Book 1940, excluding demonstration plates). The candidate must have 20/20 vision, uncorrected, in each eye.

(Sec. 2, 34 Stat. 452, as amended, sec. 1, 38 Stat. 800, sec. 5, 50 Stat. 549; 14 U. S. C. 15, 92)

Dated: August 4, 1949.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 49-6534; Filed, Aug. 10, 1949; 8:57 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 599]

IOWA

PARTIALLY REVOKING PUBLIC LAND ORDERS 379 AND 380 OF JULY 2, 1947

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Orders Nos. 379 and 380 of July 2, 1947, reserving certain lands for the use of the Department of the Interior as wildlife refuge and management areas, are hereby revoked so far as they affect the following-described lands:

PUBLIC LAND ORDER 379

LOCK AND DAM NO. 14

CLINTON COUNTY, IOWA

Fifth Principal Meridian

T. 80 N., R. 6 E.,
An unnamed island located in NE¼NE¼ fractional section 5.
An unnamed island located in NE¼ fractional section 5.
An unnamed small island located in NE¼SW¼ fractional section 5.

PUBLIC LAND ORDER 380

T. 80 N., R. 6 E.,
Fractional section 5: Except islands therein.
T. 81 N., R. 6 E.,
Fractional section 32: All that part southeasterly of the Davenport, Rock Island and Northwestern Railway Company's right-of-way.

The above described lands are shown upon War Department maps entitled "Mississippi River", "Lock and Dam No. 14", Sheets 2 to 6, inclusive, dated June 11, 1937, File Nos. 14-G-11.4, 12.4, 13.5, 14.4 and 15.6, filed in United States Engineer Office at Rock Island, Illinois.

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

AUGUST 4, 1949.

[F. R. Doc. 49-6493; Filed, Aug. 10, 1949; 8:46 a. m.]

[Public Land Order 600]

IDAHO, UTAH, AND WYOMING

REVOKING PUBLIC LAND ORDERS NOS. 24 AND 35

By virtue of the authority vested in the President and pursuant to Executive Or-

der No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 24 of August 11, 1942, withdrawing public lands in the State of Wyoming, and Public Land Order No. 35 of August 27, 1942, withdrawing all deposits of vanadium and all public lands containing such deposits owned by the United States in certain counties in the States of Idaho, Utah, and Wyoming, for use in connection with the prosecution of the war, are hereby revoked.

The lands affected by this order are the public lands containing deposits of vanadium in Bannock, Bear Lake, Bingham, Bonneville, and Caribou Counties, Idaho, Rich County, Utah, Lincoln, Sublette, and Teton Counties, Wyoming, and the public lands in the following-described areas in Wyoming:

SIXTH PRINCIPAL MERIDIAN

T. 31 N., R. 117 W.,
Secs. 4 to 9, inclusive, unsurveyed.
T. 32 N., R. 117 W.,
Secs. 5 to 8, inclusive, unsurveyed;
Secs. 17 to 20, inclusive, unsurveyed;
Secs. 29 to 32, inclusive, unsurveyed.
T. 33 N., R. 117 W.,
Secs. 3 to 11, inclusive, unsurveyed;
Secs. 14 to 22, inclusive, unsurveyed;
Secs. 26 to 35, inclusive, unsurveyed.
T. 34 N., R. 117 W.,
Secs. 27 to 34, inclusive, unsurveyed.
T. 31 N., R. 118 W.,
Secs. 1 to 4, inclusive, unsurveyed;
Secs. 9 to 12, inclusive, unsurveyed.
T. 32 N., R. 118 W.,
Secs. 1 and 2, unsurveyed;
Sec. 4, W½, unsurveyed;
T. 32 N., R. 118 W.,
Sec. 5, E½, unsurveyed;
Sec. 8, E½, unsurveyed;
Sec. 9, W½, unsurveyed;
Secs. 11 to 14, inclusive, unsurveyed;
Sec. 16, W½, unsurveyed;
Sec. 17, E½E½, unsurveyed;
Sec. 21, all, unsurveyed;
Secs. 23 to 28, inclusive, unsurveyed;
Secs. 33 to 36, inclusive, unsurveyed.
T. 33 N., R. 118 W.,
Sec. 1, E½E½;
Sec. 11, SE¼SE¼;
Sec. 12, E½E½, and W½SW¼;
Sec. 13, NE¼NE¼, NW¼NW¼, and SE¼SE¼;
Sec. 14, lots 1, 2 and 3, NE¼ and S½S½;
Sec. 23, W½E½ and W½;
Sec. 24, N½ and SE¼;
Sec. 25, E½;
Sec. 26, W½E½ and W½;
Sec. 34, E½E½;
Sec. 35, W½;
Sec. 36, NE¼ and E½SE¼.
T. 34 N., R. 118 W.,
Sec. 36, E½E½.
T. 26 N., R. 119 W.,
Secs. 6, 7, 18, and 19.
T. 27 N., R. 119 W.,
Secs. 18, 19, 30, and 31.

The areas described, including both public and non-public lands, aggregate 61,082 acres.

Available information indicates that the lands embraced by Public Land Order 24 and 35 are largely rough and mountainous.

No applications for the lands released by the revocation made by this order may be allowed under the homestead, small-tract, or desert-land laws, or under any other non-mineral public-land laws, unless the lands applied for have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of the application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals and of this order, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Offices at Boise, Idaho, and the District Land Offices at Salt Lake City, Utah, and Evanston, Wyoming, according to the State in which the land is located, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Land and Survey Offices at Boise, Idaho, and the District Land Offices at Salt Lake City, Utah, and Evanston, Wyoming, according to the State in which the land is located.

J. A. KRUG,
Secretary of the Interior.

AUGUST 4, 1949.

[F. R. Doc. 49-6494; Filed, Aug. 10, 1949; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[No. 10122]

PART 139—STANDARD TIME ZONE BOUNDARIES

STANDARD TIME ZONE INVESTIGATION

At a session of the Interstate Commerce Commission, Division 2 held at its office in Washington, D. C., on the 5th day of August, A. D. 1949.

It appearing, that by report and order dated October 24, 1918 (51 I. C. C. 273; 49 CFR 139), the Commission defined the limits of the various time zones throughout the United States created by the act of Congress entitled "an Act to Save Daylight and to provide Standard Time," approved March 19, 1918 (40 Stat. 450; 15 U. S. C. 261–265), and that said limits were restated and redefined in the sixteenth supplemental report and order in this investigation, dated May 19, 1928 (142 I. C. C. 279; 49 CFR 139), and were modified by the twenty-seventh supplemental report and order in this proceeding, dated August 25, 1947 (269 I. C. C. 57; 49 CFR 1947 Supp., Part 139);

It further appearing, that upon petition of the Chamber of Commerce, the Junior Chamber of Commerce, and the Retail Merchants Association of Chattanooga for a modification of orders entered herein by the extension of the eastern time zone so as to include Hamilton County, the proceeding was reopened for consideration;

And it further appearing, that notice of proposed modification of the outstanding orders in this proceeding was given in 14 F. R. 3203, pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1003), and that a full investigation of the matters

and things involved has been made, and that the said division, on the date hereof, has made and filed its thirtieth supplemental report in the above-entitled proceeding, containing its findings of fact and conclusions thereon, which said thirtieth supplemental report is hereby referred to and made a part hereof:

It is ordered, That the said order of October 24, 1918, as subsequently amended, as restated in the said order of May 19, 1928, and further amended by the said order of August 25, 1947, and corresponding sections of the Code of Federal Regulations (49 CFR 139), are hereby amended as follows:

1. Paragraph (d) of § 139.3, *Boundary line between eastern and central zones*, is amended to read as follows:

(d) *Tennessee.* Thence southerly just east of and parallel with the line of the Cincinnati, New Orleans & Texas Pacific Railway to the north line of Rhea County, Tenn., thence southeasterly and southwesterly along the north and east lines of Rhea County to the north line of Hamilton County, Tenn., thence northwesterly and southwesterly along the north and west lines of Hamilton County to the boundary between Tennessee and Georgia.

2. Subparagraph (1) *Lines east of the boundary excepted from the eastern zone*, of paragraph (g) *Operating exceptions*, is amended to make the following changes in operating exceptions as indicated:

Southern Railway—Add a new exception reading:

From: Northern limits of Chattanooga, Tenn.
To: North line of Hamilton County, Tenn.

Change existing exception between Wildwood and Sulphur Springs, Ga., to read as follows:

From: Western limits of Chattanooga, Tenn.
To: Georgia-Alabama State Line (south-West of Sulphur Springs, Ga.)

Nashville, Chattanooga & St. Louis—Change existing exception to read:

From: West line of Hamilton County, Tenn.
To: Western limits of Chattanooga, Tenn.

Tennessee, Alabama & Georgia—Cancel existing exception.

3. Subparagraph (2) *Lines west of the boundary included in the eastern zone*, is amended to make the following changes in operating exceptions as indicated:

Southern Railway—Cancel the following exceptions:

From: Line of Hamilton County, Tenn., (west of Mineral Park, Tenn.)
To: Eastern limits of Chattanooga, Tenn.
From: Tennessee-Georgia State Line (south of Howardville, Tenn.)
To: Ooltewah, Tenn.

Tennessee, Alabama & Georgia—Add the following exception:

From: Georgia-Alabama State Line (southwest of Menlo, Ga.)
To: Gadsden, Ala.

It is further ordered, That the changes and additions required hereby shall become effective at 2 o'clock antemeridian August 14, 1949:

And it is further ordered, That notice to the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission for public inspection, and by filing a copy with the Director, Division of the Federal Register.

(40 Stat. 451–452, 41 Stat. 1446, 42 Stat. 1434; 15 U. S. C. 261–265)

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 49–6508; Filed, Aug. 10, 1949; 8:59 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR, Part 107]

SUBMISSION OF DEPARTURE MANIFESTS

NOTICE OF PROPOSED RULE MAKING

JULY 28, 1949.

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given of the proposed issuance by the Commissioner of Immigration and Naturalization, with the approval of the Attorney General, of the following amendment of the rules relating to the submission of departure manifests by officials of transportation companies in the cases of vessels making regular trips into the United States. The sole effect of the amendment is to change the period within which departure manifests shall be submitted after departure of a vessel, from 30 days to 10 days. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 1–1237, Temporary Federal Office Building X, Nineteenth and East Capitol Streets NE., Washington 25, D. C., written data, views, and arguments relative to the substantive provisions of the proposed amendment. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

Paragraph (a) of § 107.17, *Forms I–434 and I–435; depositing*, Chapter I, Title 8 of the Code of Federal Regulations, is amended by changing the third and fourth sentences to read as follows: "Such lists (Forms I–434 and I–435) shall be deposited with the immigration officials before the departure of the vessel, except that in the case of vessels making regular trips to ports of the United States such lists may be delivered so as to reach the immigration officials at the port of departure within 10 days after departure of the vessel. Notwithstanding the exception contained in the preceding sentence, the immigration officer in charge at the port shall not grant clearance papers to the vessel until such lists are delivered if he knows or has reason to believe that the vessel will not return to a port of the United States within 10 days or that such lists will not be delivered so as to reach him within that time."

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458 (a))

WATSON B. MILLER, *Commissioner of Immigration and Naturalization.*

Approved: August 5, 1949.

PEYTON FORD, *Acting Attorney General.*

[F. R. Doc. 49–6503; Filed, Aug. 10, 1949; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 992]

[Docket No. AO–200]

HANDLING OF IRISH POTATOES GROWN IN WASHINGTON

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the rules of practice and procedure governing proceedings to formulate marketing agreements and orders, as amended (7 CFR 900.1 et seq.; 13 F. R. 8585), a public hearing was held at Yakima, Washington, on April 4–5, 1949, pursuant to notice thereof which was published in the FEDERAL REGISTER (14 F. R. 1131), upon a proposed marketing agreement and a proposed order regulating the handling of Irish potatoes grown in the State of Washington.

Upon the basis of the evidence introduced at the aforesaid hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration on July 8, 1949, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in

the FEDERAL REGISTER (14 F. R. 3890–3900). No exceptions to the recommended decision have been filed.

The material issues and the findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 49–5760, 14 F. R. 3890–3900) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Irish Potatoes Grown in the State of Washington" and "Order Regulating the Handling of Irish Potatoes Grown in the State of Washington" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement and the aforesaid order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the attached order, which will be published with this decision.

Done at Washington, D. C., this 8th day of August 1949.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

Order[1] Regulating the Handling of Irish Potatoes Grown in the State of Washington

Sec.

AUTHORITY: §§ 992.0 to 992.16 issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 61 Stat. 202, 707; 7 U. S. C. 601 et seq.; sec. 102, Reorg. Plan 1 of 1947; 12 F. R. 4534.

§ 992.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 208, 707) and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR 900.1 et seq.; 13 F. R. 8585), a public hearing was held at Yakima, Washington, April 4–5, 1949, upon a proposed marketing agreement and a proposed order regulating the handling of potatoes grown in the State of Washington. Upon the basis of evidence introduced at such hearing, and the record thereof, it is found that:

(1) The terms and provisions of this order prescribe, so far as practicable, such different terms, applicable to different production areas, as are necessary in order to give due recognition to the difference in production and marketing of such potatoes;

(2) This order is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of said production area specified herein would not effectively carry out the declared policy of the act;

(3) This order and all of the terms and conditions of this order will tend to effectuate the declared policy of the act with respect to potatoes as defined in the order by establishing and maintaining such orderly marketing conditions therefor as will tend to establish prices to the producers thereof at a level that will give such potatoes a purchasing power, with respect to the articles that the producers thereof buy, equivalent to the purchasing power of such potatoes in the base period, August 1919–July 1929, and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the level which it is declared in the act to be the policy of Congress to establish, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest; and

(4) All handling of potatoes, as defined in this order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Order relative to handling. It is hereby ordered, pursuant to the findings and determinations set forth in § 992.0 and pursuant to the aforesaid act, such handling of potatoes, as defined in the order, shall, from and after the time hereinafter specified, be in conformity to and in compliance with the terms and conditions of this order.

§ 992.1 *Definitions.* As used herein, the following terms have the following meaning:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer, or member of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 202, 707).

(c) "Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit.

(d) "Production area" means all territory included within the boundaries of the State of Washington.

(e) "Potatoes" means all varieties of Irish Potatoes grown within the State of Washington.

(f) "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

(g) "Ship" or "handle" means to transport, sell, or any other way to place potatoes in the current of commerce within the production area or between the production area and any point outside thereof: *Provided,* That the definition of "ship" or "handle" shall not include the transportation of potatoes within the production area for the purpose of having such potatoes prepared for market, or stored, except that the committee may impose safeguards, pursuant to § 992.5 (c), with respect to such potatoes.

(h) "Producer" means any person engaged in the production of potatoes for market.

(i) "Fiscal year" means the period beginning on June 1 of each year and ending May 31 of the following year.

(j) "Committee" means the administrative committee, called the State of Washington Potato Committee, established pursuant to § 992.2.

(k) "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

(l) 'Seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State of Washington or other seed certification agencies which the Secretary may recognize.

(m) "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

(n) "Wholesale pack" means a unit of fifty pounds net weight or more of potatoes contained in a bag, crate, or any other type of container.

(o) "Consumer pack" means a unit of less than fifty pounds net weight of potatoes contained in a bag, crate, or any other type of container.

(p) "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

established sizes of potatoes, as defined and set forth in:

(1) The United States Standards for Potatoes issued by the United States Department of Agriculture (14 F. R. 1955, 2161), or amendments thereto, or modification thereof, or variations based thereon;

(2) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture on November 3, 1947, effective December 8, 1947 (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon;

(3) State of Washington Standards for Potatoes issued by the State of Washington Director of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon.

(q) "Export" means shipment of potatoes beyond the boundaries of continental United States.

(r) "District" means each one of the geographical divisions of the production area established pursuant to § 992.2 (h).

§ 992.2 *Administrative committee—* (a) *Establishment and membership.* (1) The State of Washington Potato Committee consisting of fifteen members, of whom ten shall be producers and five shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(2) An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

(b) *Procedure.* (1) Nine members of the committee shall be necessary to constitute a quorum and nine concurring votes will be required to pass any motion or approve any committee action.

(2) The committee may provide for meetings by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided,* That if any assembled meeting is held, all votes shall be cast in person.

(c) *Selection.* (1) Persons selected as committee members or alternates to represent producers shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district, and such persons shall be residents of the respective district for which selected.

(2) Persons selected as committee members or alternates to represent handlers shall be individuals who are handlers in the State of Washington, or officers or employees of a corporate handler in the aforesaid State, and such persons shall be residents of the State of Washington.

(3) The Secretary shall select committee membership so that, during each fiscal period, each district, as designated in paragraph (h) of this section, will be represented by two producer members and one handler member, with their respective alternates: *Provided,* That one producer member of the committee from District No. 5, with his respective alternate, shall be a certified seed producer.

(4) Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

(d) *Term of office.* (1) The term of office of committee members and alternates shall be for three years beginning on the first day of June and continuing until the end of the second fiscal year following, and until their successors are selected and have qualified: *Provided, however,* That the terms of office of the initial committee shall be determined by the Secretary so that the terms of office of one third of the initial members and alternates shall be for one year, one third for two years, and one third for three years.

(2) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the term of office and continuing until the end thereof, and until their successors are selected and have qualified.

(e) *Powers.* The committee shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violation of the provisions hereof; and

(4) To recommend to the Secretary amendments hereto.

(f) *Duties.* It shall be the duty of the committee:

(1) At the beginning of each fiscal year, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(2) To act as intermediary between the Secretary and any producer or handler ;

(3) To furnish to the Secretary such available information as he may request;

(4) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(5) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary.

(6) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(7) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(8) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(9) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant hereto; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(10) To consult, cooperate and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives hereunder.

(g) *Expenses and compensation.* Committee members or their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers hereunder, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $10.00 for each day, or portion thereof, spent in attending meetings of the committee.

(h) *Districts.* (1) For the purpose of determining the basis for selecting committee members, the following districts of the production area are hereby initially established:

District No. 1: The counties of Chelan, Okanogan, Grant, Douglas, Ferry, Stevens, Pend Oreille, Spokane, Lincoln, and Adams;

District No. 2: Kittitas County;

District No. 3: The counties of Yakima and Klickitat;

District No. 4: The counties of Benton, Franklin, Walla Walla, Columbia, Garfield, Asotin, and Whitman; and

District No. 5: All of the remaining counties in the State of Washington not included in Districts 1, 2, 3, and 4 of this section.

(2) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts: *Provided,* That in recommending any such changes in districts or representation, the committee shall give consideration to: (i) The relative importance of new areas of production; (ii) changes in the relative position, with respect to production, of existing districts; (iii) the geographic location of production areas as it would affect the efficiency of administering the marketing agreement and order; and (iv) other relevant factors: *Provided further,* That there shall be no change in the total number of committee members or in the total number of districts.

(i) *Nomination.* The Secretary may select the members of the State of Washington Potato Committee and their respective alternates from nominations which may be made in the following manner:

(1) Nominations for initial members of the committee and their respective alternates may be submitted by producers, handlers, or groups thereof, and such nominations may be by virtue of elections conducted by groups of producers and by groups of handlers.

(2) In order to provide nominations for succeeding committee members and alternates:

(i) The State of Washington Potato Committee shall hold or cause to be held prior to April 1 of each year, after the effective date hereof a meeting or meetings of producers and of handlers respectively in each of the districts designated in paragraph (h) of this section in which the terms of office of committee members, and their respective alternates, will terminate at the end of the then current fiscal year;

(ii) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(iii) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee which is vacant or which is to become vacant at the end of the then current fiscal year;

(iv) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year;

(v) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates;

(vi) Each person who is both a handler and a producer may vote either as a handler or as a producer and may elect the group in which he votes; and

(vii) Regardless of the number of districts in which a person handles or produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates: *Provided*, That in the event a person is engaged in handling or producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(3) If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 992.2 (i) (2), the Secretary may, without regard to nominations, select the committee members and alternates which selection shall be on the basis of the representation provided for herein.

(j) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in paragraph (i) (2) of this section, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for herein.

§ 992.3 *Expenses and assessments*—(a) *Expenses.* The committee is authorized to incur such expenses as the Secretary finds may be necessary to perform its functions hereunder during each fiscal year and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions hereof. The funds to cover such expenses shall be acquired by the levying of assessments, as herein provided, upon handlers.

(b) *Assessments.* (1) Each handler who first ships potatoes shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by the committee for its maintenance and functioning during each fiscal year, and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions hereof. Such handler's pro rata share of such expense shall be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year. The Secretary shall fix the rate of assessment to be paid by such handlers.

(2) At any time during the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Such increase shall be applicable to all potatoes handled during the given fiscal year. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

(c) *Accounting.* (1) If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

(2) If, upon termination of the marketing agreement and order program and after reasonable effort by the committee, it is found impossible to return excess funds to handlers, such funds, shall, with the approval of the Secretary, be turned over to an appropriate agency serving potato producers in the production area.

(3) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(d) *Funds.* All funds received by the committee pursuant to any provision hereof shall be used solely for the purposes herein specified and shall be accounted for in the following manner:

(1) The Secretary may at any time require the committee and its members to account for all receipts and disbursements; and

(2) Whenever any person ceases to be a committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

§ 992.4 *Regulation*—(a) *Marketing policy.* At the beginning of each fiscal year the committee shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of potatoes during such fiscal year. In the event it becomes advisable to deviate from such marketing policy, because of changed demand and supply conditions, the committee shall formulate a new marketing policy and shall submit a report thereon to the Secretary. The committee shall make the contents of such reports available to producers and handlers by mail, radio, newspapers, or such other or further means as the committee deems desirable.

(b) *Recommendation for regulations.* (1) It shall be the duty of the committee to investigate supply and demand conditions for grade, size, and quality of potatoes of all varieties. In such investigations, the committee shall give due consideration to the following factors:

(i) Market prices of potatoes, including prices by grade, size and quality in wholesale or in consumer packs, or any other shipping units;

(ii) Potatoes on hand in the market areas as manifested by supplies en route and on track at the principal markets;

(iii) Supply of potatoes, by grade, size and quality, in the State of Washington and other production areas;

(iv) The trend and level of consumer income; and

(v) Other relevant factors.

(2) The committee shall recommend regulation to the Secretary, in accordance herewith whenever it finds, on the basis of the foregoing investigation, that such conditions make it advisable:

(i) To regulate, in any or all portions of the production area, the shipment of particular grades and sizes of any or all varieties of table stock or seed potatoes or both, during any period; or

(ii) To regulate the shipment of particular grades and sizes of potatoes differently for different varieties, for different portions of the production area, for consumer or wholesale packs, for

table stock and seed, or any combination of the foregoing, during any period; or

(iii) To regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

(c) *Issuance of regulation.* (1) The Secretary shall limit the shipment of potatoes as hereinafter set forth, whenever he finds from the recommendations and information submitted by the committee, or from other available information, that it would tend to effectuate the declared policy of the act;

(i) To regulate, in any or all portions of the production area, the shipment of particular grades and sizes of any or all varieties of table stock or seed potatoes, or both, during any period; or

(ii) To regulate the shipment of particular grades and sizes of potatoes differently for different varieties, for different portions of the production area, for consumer or wholesale packs, for table stock and seed, or any combination of the foregoing, during any period; or

(iii) To regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

(2) The Secretary shall notify the committee of any such regulation and the committee shall give reasonable notice thereof to handlers.

(d) *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to § 992.3 and this section.

(e) *Inspection and certification.* During any period in which the Secretary regulates the shipment of potatoes pursuant to the provisions of this section, each handler who first ships potatoes shall, prior to making shipment, cause each shipment to be inspected by an authorized representative of the Federal State Inspection Service or such other inspection service as the Secretary shall designate. Each such handler shall make arrangements with the inspecting agency to forward promptly to the committee a copy of such inspection certificate: *Provided, however,* That (1) each handler making shipments of potatoes during such period shall, prior to making such shipment, determine if such shipment has been inspected and if such shipment has not been so inspected and is not covered by an inspection certificate, each handler making such determinations shall have such potatoes inspected and shall arrange for a copy of the inspection certificate to be forwarded to the committee as aforesaid, and (2) each handler who first ships potatoes after such potatoes are regraded, resorted, repacked or in any other way further prepared for market shall have each shipment of such potatoes inspected as provided herein.

(f) *Exemptions.* (1) The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

(2) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee: (i) That by reason of a regulation issued pursuant to this section he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate production area, and (ii) that the grade, size or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to ship the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of sale.

(3) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee; (i) that by reason of a regulation issued pursuant to this section he will be prevented from shipping as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings shipped by all handlers in said applicant's immediate shipping area, and (ii) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to ship the amount of potatoes specified thereon. Such certificate may be transferred with such potatoes at time of sale.

(4) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

(5) If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

(6) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to this section.

(7) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

§ 992.5 *Shipments for specified purposes.* (a) The Secretary upon the basis of recommendations of the committee, or upon the basis of other available information, may modify, suspend, or terminate regulations issued pursuant to § 992.3 or § 992.4, or both, in order to facilitate shipments of potatoes for the purposes specified below, whenever he finds that such actions tend to effectuate the declared policy of the act; adequate safeguards may be established, pursuant to paragraph (c) of this section, to prevent such shipments from entering channels of trade for other than the specified purpose:

(1) Shipments of potatoes for export;

(2) Shipments of potatoes for distribution by the Federal government, for distribution by relief agencies, or for consumption by charitable institutions;

(3) Shipments of potatoes for the purpose of having such potatoes manufactured or converted into specified products or by-products;

(4) Shipments of potatoes for livestock feed or for other specified purposes.

(b) Whenever the shipments of seed potatoes are not subject to the same regulations as shipments of table stock potatoes, issued pursuant to § 992.3 or § 992.4, or both, the committee, with the approval of the Secretary, may prescribe adequate safeguards, pursuant to paragraph (c) of this section, to prevent diversion of such shipments from seed potato channels.

(c) The committee, with the approval of the Secretary, may prescribe adequate safeguards, authorized by paragraphs (a) and (b) of this section, which safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to this section;

(2) Handlers shall obtain Federal-State inspection provided by § 992.4 (e) and pay the pro rata share of expenses provided by § 992.3, in connection with potato shipments effected under the provisions of this section: *Provided,* That such inspection and payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) (i) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under the provisions of this section. The committee with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of such Certificates of Privilege.

(ii) The committee shall make a weekly report to the Secretary showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary. The committee may rescind or deny Certificates of Privilege to any shipper if evidence is obtained that potatoes shipped by him for the purposes stated above have entered the current of interstate or foreign com-

merce, or have directly burdened, obstructed, or affected such commerce contrary to the provisions hereof.

(d) (1) The Secretary shall give prompt notice to the committee of any modification, suspension, or termination of regulations pursuant to this section, or of any approval issued by him under the provisions of this section.

(2) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

§ 992.6 *Reports.* Upon the request of the committee, with approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties hereunder. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 992.7 *Compliance.* Except as provided herein, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions hereof, and no handler shall ship potatoes except in conformity to the provisions hereof.

§ 992.8 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 992.9 *Effective time and termination*—(a) *Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided;* That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before May 31 of the then current fiscal year.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 992.10 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 992.11 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except, with respect to acts done under and during the existence hereof.

§ 992.12 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 992.13 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 992.14 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 992.15 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 992.16 *Amendments.* Amendments hereto may be proposed, from time to time, by the committee or by the Secretary.

[F. R. Doc. 49–6523; Filed, Aug. 10, 1949; 8:53 a. m.]

[7 CFR, Part 992]

HANDLING OF IRISH POTATOES GROWN IN WASHINGTON

ORDER DIRECTING THAT REFERENDUM BE CONDUCTED AMONG PRODUCERS OF IRISH POTATOES GROWN IN WASHINGTON AND DESIGNATING AGENTS TO CONDUCT SUCH REFERENDUM, DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq., 61 Stat. 202, 707) it is hereby directed that a referendum be conducted among producers in the State of Washington who during the 1948 crop year (which period for the purpose of such referendum is hereby determined to be (1) the period June 1, 1948 to May 31, 1949, and (2) a representative period) were engaged in the production of Irish potatoes for market, to determine whether such producers favor the issuance of an order regulating the handling of Irish potatoes grown in the State of Washington, a copy of which is attached to the decision [1] of the Secretary of Agriculture filed simultaneously herewith; and W. J. Broadhead and R. H. Eaton, Field Representatives, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, 515 Southwest Tenth Avenue, Portland 5, Oregon, and A. C. Cook, Potato Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., are hereby designated as agents of the Secretary of Agriculture to perform, jointly or severally, the following functions in connection with the referendum:

(a) Conduct said referendum in the manner herein prescribed:

(1) By giving opportunity to each of the aforesaid producers to cast his ballot

[1] See F. R. Doc. 49–6523, *supra.*

in the manner herein authorized, relative to the aforesaid marketing order, on a copy of the appropriate ballot form. A cooperative association of such producers, bona fide engaged in marketing Irish potatoes grown in the State of Washington or in rendering services for or advancing the interests of the producers of such potatoes, may vote for the producers who are members of, stockholders in, or under contract with such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such producers.

(2) By giving public notice, as prescribed in (a) (3) hereof, (i) of the time determined by such agents during which the referendum will be conducted; (ii) that any ballot may be cast by mail; and (iii) that all ballots so cast must be addressed to W. J. Broadhead, Western Marketing Field Office, Production and Marketing Administration, United States Department of Agriculture, 515 Southwest Tenth Avenue, Portland 5, Oregon, and (iv) of the time prior to which such ballots must be postmarked.

(3) By giving public notice (i) by utilizing available agencies of public information (without advertising expense), including both press and radio facilities in the State of Washington, (ii) by mailing a notice thereof (including a copy of the appropriate ballot form) to each such cooperative association and to each producer whose name and address is known; and (iii) by such other means as said referendum agents or any of them may deem advisable.

(4) By conducting meetings of producers and arranging for balloting at the meeting places, if said referendum agents or any of them determine that voting shall be at meetings. At each such meeting, balloting shall continue until all of the producers who are present, and who desire to do so, have had an opportunity to vote. Any producer may cast his ballot at any such meeting in lieu of voting by mail.

(5) By giving ballots to producers at the meeting; and receiving any ballots when they are cast.

(6) By securing the name and address of each person casting a ballot, and inquiring into the eligibility of such person to vote in the referendum.

(7) By giving public notice of the time and place of any meetings authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting, at each such meeting place, and in two or more public places within the applicable area; and, so far as may be practicable, by giving additional notice in the manner prescribed in paragraph (a) (3) hereof.

(8) By forwarding to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., immediately after the close of the referendum, the following:

(i) A register containing the name and address of each producer to whom a ballot form was given;

(ii) A register containing the name and address of each producer from whom an executed ballot was received;

(iii) All of the ballots received by the respective referendum agent in connection with the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent during the referendum period;

(iv) A statement showing when and where each notice of referendum posted by said agent was posted and, if the notice was mailed to producers, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing; and

(v) A detailed statement reciting the method used in giving publicity to such referendum.

(9) By appointing any county agricultural agent, and by authorizing the chairman of the State Production and Marketing Administration committee to appoint any member or members of a county Agricultural Conservation Association committee in the State of Washington, and by appointing any other persons deemed necessary or desirable, to assist the said referendum agents in performing their duties hereunder. Each such person so appointed shall serve without compensation and may be authorized by the said referendum agents, or any of them, to perform any or all of the functions set forth in paragraphs (a) (5), (6), (7), and (8) hereof (which, in the absence of such appointment of subagents, shall be performed by said referendum agents) in accordance with the requirements herein set forth.

(b) Upon the receipt by W. J. Broadhead of all ballots cast in accordance with the provisions hereof, and such other information and data as are required pursuant hereto, he shall forward the ballots, together with the information and data, to the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

The Fruit and Vegetable Branch shall canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results.

(c) Each referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they, or any of them, deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent or appointee shall endorse, above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential.

The Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents and appointees in conducting said referendum.

Copies of the aforesaid marketing order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Washington, D. C., and at the County Agricultural Conservation Association office in each of the counties in the production area in the aforesaid marketing order.

Ballots to be cast in the referendum may be obtained from any referendum agent, and any appointee hereunder.

Done at Washington, D. C., this 8th day of August 1949.

[SEAL] A. J. LOWLAND,
Acting Secretary of Agriculture.

[F. R. Doc. 49–6524; Filed, Aug. 10, 1949; 8:53 a. m.]

NOTICES

NATIONAL MILITARY ESTABLISHMENT

Military Renegotiation Policy and Review Board

CONTRACTS CONTAINING RENEGOTIATION CLAUSE ENTERED INTO BY DEPARTMENT OF THE NAVY AND DEPARTMENT OF THE AIR FORCE

AUGUST 8, 1949.

Pursuant to the note to § 423.322–1 (c) of the Military Renegotiation Regulations, there was published in the FEDERAL REGISTER on May 12, 1949, a list of the numbers of prime contracts containing the Renegotiation Article, together with the names of the contractors holding such contracts. In a statement preceding such list it was stated that a supplemental list would be published in the near future. There follows hereafter a publication of another list of prime contract numbers, together with the names of the contractors holding such contracts. This list includes contracts and other contractual documents which have been entered into by the Department of the Navy and the Department of the Air Force up to March 31, 1949, excluding, however, those heretofore published in the FEDERAL REGISTER on May 12, 1949.

As stated in the note to § 423.322–1 (c) the publication of these lists is only for the purpose of disseminating information, and, although every effort has been made to have the list complete and accurate, the omission of the number of a contract subject to the Renegotiation

Act of 1948 does not thereby relieve the contractor and subcontractors thereunder from renegotiation. Conversely, the inclusion in the published list of the number of a contract which is not subject to the Act will not make the contractor holding such contract and subcontractors thereunder subject to renegotiation.

The sole purpose of these publications is to be helpful in enabling contractors and subcontractors to identify sales which are subject to renegotiation. Therefore, the Military Renegotiation Policy and Review Board will appreciate being notified of any errors appearing in the list and will also be glad to receive suggestions as to how the list may be improved.

Further supplemental lists will be published from time to time.

FRANK L. ROBERTS,
Chairman.

CONTRACTS CONTAINING THE RENEGOTIATION CLAUSE ENTERED INTO BY THE DEPARTMENT OF NAVY AND DEPARTMENT OF AIR FORCE THROUGH MARCH 31, 1949, EXCLUSIVE OF THOSE PREVIOUSLY REPORTED AND INCLUDED IN THE LISTINGS THROUGH DECEMBER 31, 1948, WHICH WERE PUBLISHED IN THE FEDERAL REGISTER ON MAY 12, 1949

Abrams Instrument Corp., Lansing, Mich.: AF 33(038)-1755.

Acorn Tool and Mfg., Inc., Cincinnati, Ohio: AF 33(038)-1990.

Adel Precision Products Corp., Burbank, Calif.: N163s-248, NOa(s) 10154, N383s-12244, N383s-14210, N383s-14861, N383s-16650, N383s-16838, AF 33(038)-1707, AF 33(038)-2107, AF 33(038)-2894, AF 33(038)-2745.

Advance Tool & Machine Co., New Britain, Conn.: N383s-14356.

Aerial Machine-Tool Corp., Long Island City, N. Y.: AF 33(038)-1766, Order (33-038)49-2874.

Aeromotive Equipment Corp., Kansas City, Mo.: AF 33(038)-371.

Aero Bolt & Screw Co., New York, N. Y.: N383s-14028.

Aero Supply Mfg. Co., Inc., Corry, Pa.: N383s-14133, N383s-14920, N383s-15636, N383s-17202, Order (33-038)49-2077, AF 33(038)-1557, AF 33(038)-2905.

Aeroflex Laboratories, Inc., Long Island City, N. Y.: AF 33(038)-2836, W33-038 ac 22036, S. A. #2.

Aerojet Engineering Corp., Azusa, Calif.: AF 33(038)-2001.

Aeroprojects Inc., West Chester, Pa.: N383s-16606.

Aeroquip Corp., Jackson, Mich.: AF 33(038)-2787, AF 33(038)-3069, AF 33(038)-3272.

Aerotec Corp., The, Greenwich, Conn.: N383s-14359, N383s-14519, N383s-15123, N383s-15338, N383s-15873.

Air Associates, Inc., Teterboro, N. J.: N383s-14347, N383s-15368, N383s-16506, N383s-16632, N383s-16907, AF 33(038)-2524, AF 33(038)-2692, AF 33(038)-2200, AF 33(038)-2332.

Airborne Instruments Laboratory Co., Mineola, Long Island, N. Y.: AF 33(038)-2092.

Airborne Sales Co., Inc., Culver City, Calif.: AF 33(038)-1010.

Aircooled Motors, Inc., Syracuse, N. Y.: N383s-15197, W33-038 ac 22608.

Aircraft Components Corp., Alexandria, Va.: N383s-16244.

Aircraft Equipment, Inc., Los Angeles, Calif.: AF 33(038)-1877.

Aircraft Fittings Co., The, Cleveland, Ohio: AF 33(038)-2326.

Aircraft Hardware Mfg. Co., Inc., New York, N. Y.: N383s-14030, AF 33(038)-2910.

Aircraft-Marine Products, Inc., Harrisburg, Pa.: AF 33(038)-892.

Aircraft Products Co., Clifton Heights, Pa.: N383s-14949.

Aircraft Service Corp., Valley Stream, Long Island, N. Y.: N383s-16042.

Airpath Instrument Co., St. Louis, Mo.: AF 33(038)-582.

Airtron, Inc., Linden, N. J.: N383s-15994, AF 33(038)-2135, W33-038 ac 21507, C. O. #1.

Airwork Corp., Millville, N. J.: N383s-15567.

Akeley Camera, Inc., New York, N. Y.: AF 33(038)-2898.

Alaska Airlines, Inc., Everett, Wash.: N383s-16047, N383s-16608.

All American Airways, Inc., Wilmington, Del.: NOa(s) 10217, N383s-14796 Letter of Intent, AF 33(038)-2049, AF 33(038)-2196.

Allen Aircraft Products, Inc., Ravenna, Ohio: Order (33-038)49-2576.

Alton Iron Works, New York, N. Y.: AF 33 (038)-2884.

American Airlines, Inc., New York, N. Y.: AF 33(038)-1184.

American Bosch Corp., Springfield, Mass.: N383s-14743, N383s-14844, N383s-15472, Order (33-038)49-2119.

American Chain & Cable Co., Inc., Detroit, Mich.: N383s-15330, N383s-15943, AF 33(038)-2935, AF 33(038)-3261, AF 33(038)-3275, Order (33-038)49-3929.

American Hard Rubber Co., New York, N. Y.: N383s-14712.

American Hydromath Co., New York, N. Y.: N383s-14199.

American La France-Foamite Co., Elmira, N. Y.: AF 33(038)-2857, Order (33-038)49-2732.

American Machine & Metals, Inc., East Moline, Ill.—U. S. Gauge Division: N383s-14505, N383s-14945, N383s-15451, N383s-15842, N383s-15955, Order (33-038)49-2275, AF 33(038)-1394, Order (33-038)49-3143, AF 33(038)-2127, AF 33(038)-2132, AF 33(038)-2137, AF 33(038)-3047, Order (33-038)49-3657, Order (33-038)49-4154.

American Metal Refining Co., Detroit, Mich.: AF 33(038)-2283.

American Phenolic Corp., Chicago, Ill.: N383s-14895, AF 33(038)-1660, AF 33(038)-1917.

American Seating Co., Grand Rapids, Mich.: N383s-14290.

Ampco, Inc., Milwaukee, Wis.: N383s-15888.

Anchor Post Fence Co., Baltimore, Md.: N383s-17060.

Anchor Rubber Company, Dayton, Ohio: Order (33-038)49-3770.

Antenna Research Laboratory, Inc., Columbus, Ohio: AF 33(038)-2190.

Apple, W. A., Textile Mfg. Co., Dayton, Ohio: AF 33(038)-1633, AF 33(038)-2213.

Arens Controls, Inc., Chicago, Ill.: N383s-14310, N383s-15087.

Armour Co., Chicago, Ill.: Curled Hair Division—AF 33(038)-3204.

Aro Equipment Co., The, Bryan, Ohio.: AF 33(038)-1944, Order (33-038)49-2577.

Arrow Sales, Inc., Chicago, Ill.: AF 33(038)-2039.

Auburn Spark Plug Co., Auburn, N. Y.: N383s-14245, N383s-12974.

Automotive Rubber Co., Inc., Detroit 4, Mich.: AF 33(038)-2746.

Avco Manufacturing Corp., Williamsport, Pa.—Lycoming Division: AF 33(038)-601, Order (33-038)49-1390, W33-038 ac 19740, S. A. #4.

Aviation Maintenance Corp., Van Nuys, Calif.: AF 33(038)-1110, S. A. #1.

Avion Instrument Corp., New York, N. Y.: NOa(s) 10097.

Baker & Co., Inc., Newark, N. J.: NOa(s) 10273

Balco Research Laboratories, Newark, N. J.: Order (33-038)49-3658.

Ballantine Laboratories, Inc., Boonton, N. J.: Order (33-038)49-4134.

Barden Corp., Danbury, Conn.: AF 33(038)-3265.

Barwood, L. J., Mfg., Co., Everett, Mass.: AF 33(038)-2906.

Beech Aircraft Corp., Wichita, Kans.: N383s-13585, N383s-15687 Letter of Intent, AF 33(038)-989, AF 33(038)-3254, Order (33-038)49-3363.

Bendix Aviation Corp., Detroit 2, Mich.:

Bendix Products Division—N383s-10192, N383s-10722, N383s-14368, N383s-14371, N383s-14384, N383s-14431, N383s-14923, N383s-15169, N383s-15178, N383s-15239, N383s-15367, N383s-15483, N383s-15538, N383s-16112, AF 33(038)-464, AF 33(038)-632, W33-038 ac 21744, S. A. #1, W33-038 ac 22302, C. O. #1, AF 33(038)-973, AF 33(038)-1322, AF 33(038)-2430, AF 33(038)-2437, AF 33(038)-2543, AF 33(038)-2552, W33-038 ac 22169, W33-038 ac 22302, C. O. #2, AF 33(038)-1032.

Bendix Radio Division—AF 33(038)-2344, Order (33-038)49-3577, AF 33(038)-1950.

Eclipse-Pioneer Division—NOa(s) 10245, NOa(s) 10265, NOa(s) 10269, NOa(s) 10312, NOa(s) 10333, NOa(s) 10336, N383s-10801, N383s-13436, N383s-14132, N383s-14183, N383s-14280, N383s-14389, N383s-14398, N383s-14427, N383s-14586, N383s-14626, N383s-15196, N383s-15251, N383s-15463, N383s-15630, N383s-15834, N383s-15942, N383s-16830, AF 33(038)-584, AF 33(038)-1412, AF (33(038)-1715, W33-038 ac 21978, Amen. #2, Order (33-038)49-1609, Order (33-038)49-2355, AF 33(038)-1413, AF 33(038)-1754, AF 33(038)-1765, W33-038 ac 19983, S. A. #2, Order (33-038)49-2864, AF 33(038)-291, Amen. #2, AF 33(038)-627, AF 33(038)-1413, Amen. #1, AF 33 (038)-1697, AF 33(038)-2082, AF 33(038)-2448, AF 33(038)-2697, AF 33(038)-2804, AF 33(038)-2822, AF 33(038)-2960, Order (33-038)48-4161, Amen. #1, Order (33-038)49-2841.

Pacific Division—N383s-14113, N383s-15766, N383s-15976, N383s-16130, N383s-16301, Order (33-038)49-2218, AF 33(038)-2077, AF 33(038)-2076, AF 33(038)-2117, AF 33(038)-2134, AF 33(038)-2827, AF 33(038)-2843, Order (33-038)49-3303.

Scintilla Magneto Division—N383s-13486, N383s-13921, N383s-14038, N383s-14144, N383s-14445, N383s-15723, N383s-16242, N383s-16359, N383s-16530, AF 33(038)-2066.

Bell Aircraft Corp., Buffalo, N. Y.: N383s-14367, N383s-15765, W33-038 ac 20063, S. A. #3, W33-038 ac 14821, C. O. #1, AF 33(038)-1812, AF 33(038)-1717, AF 33(038)-2521, W33-038 ac 13859, S. A. #9, W33-038 ac 20429, C. O. #7, W33-038 ac 20429, C. O. #2, Order (33-038)49-3168.

Boddle Screen Co., Los Angeles, Calif.: Order (33-038)49-3005.

Bodine Electric Co., Cincinnati, Ohio: N163s-224.

Boeing Airplane Co., Seattle, Wash.: W33-038 ac 13013, C. O. #24, W33-038 ac 15567, C. O. #20, W33-038 ac 22232, W33-038 ac 20413, W33-038 ac 18821, S. A. #5, AF 33(038)-214, AF 33(038)-1607, AF 33(038)-1366, AF 33(038)-1739, AF 33(038)-2048, AF 33(038)-2284, W33-038 ac 13013, C. O. #22, W33-038 ac 13013, C. O. #23, W33-038 ac 19823, W33-038 ac 22291, AF 33(038)-2262.

Borg-Warner Corp., Cleveland, Ohio: Pesco Products Division—N383s-14296, N383s-15149, N383s-15881, N383s-16058, N383s-16328, W33-038 ac 22363, AF 33(038)-1361, AF 33(038)-1779.

Boston Auto Gage Co., Pittsfield, Mass.: Order (33-038)49-2764, AF 33(038)-2123.

Bower Roller Bearing Co., Philadelphia, Pa.: N383s-15629.

Brach, L. S., Mfg. Corp., Newark 4, N. J.: Order (33-038)49-3849.

Breco Mfg. Co., Baltimore, Md.: N383s-16462.

Breeze Corporations, Inc., Newark, N. J.: N383s-15036, Order (33-038)49-1929.

Bridgeport Metal Goods Mfg. Co., Bridgeport, Conn.: N383s-13686.

Bronson, Homer D., Co., Beacon Falls, Conn.: AF 33(038)-3273.

Buckbee Mears Co., St. Paul, Minn.: N163s-265.

Calibrated Instruments, Inc., New York, N. Y.: AF 33(038)-3068.

Canadian Commercial Corp., Ottawa, Canada: AF 33(038)-1424, AF 33(038)-2984.

Cannon Electric Development Co., Los Angeles, Calif.: AF 33(038)-1661, AF 33(038)-1857, AF 33(038)-1969, AF 33(038)-556, AF 33(038)-2953.

Carter, S. C., Jr., New York, N. Y.: AF 33(038)-2045.

Cessna Aircraft Co., Wichita, Kans.: AF 33(038)-816, S. A. #1.

Chicago Aerial Survey Co., Chicago, Ill.: AF 33(038)-1381.

Chicago Metal Hose Corp., Maywood, Ill.: AF 33(038)-2152.

Chicksan Co., Brea, Calif.: N383s-16160.

Clark, David, Co., Inc., Worcester, Mass.: AF 33(038)-636, Order (33-038)49-1659.

Clark Metal Products, Inc., Fairfield, Conn.: N383s-14716.

Clarostat Manufacturing Co., Inc., Brooklyn, N. Y.: N163s-259.

Clary Multiplier Corp., Los Angeles, Calif.: AF 33(038)-3274.

Cleveland Pneumatic Tool Co., The, Cleveland, Ohio: N383s-14889, N383s-15086, N383s-15207, N383s-16121, N383s-16879, W33-038 ac 18948, S. A. #4, W33-038 ac 22258, C. O. #2, Order (33-038)49-3917, W33-038 ac 22258, C. O. #1.

Collens Instrument Co., New York, N. Y.: N383s-14944.

Collins Radio Co., Cedar Rapids, Iowa: AF 33(038)-2476, Order (33-038)49-3866.

Collyer Insulated Wire Co., Pawtucket, R. I.: AF 33(038)-1907.

Columbus Production Mfg. Co., Columbus, Ohio: N383s-15945, AF 33(038)-1989.

Commercial Surplus Sales Co., Baltimore, Md.: AF 33(038)-596.

Concord Radio Corp., Chicago, Ill.: AF 33(038)-1237.

Connor Engineering & Mfg. Co., Hyattsville, Md.: N383s-14816, N383s-15540.

Consolidated Radio Products Corp., Chicago, Ill.: AF 33(038)-2788.

Consolidated Vultee Corp., San Diego, Calif.: NOa(s) 7222, Amend. #31, NOa(s) 8347, Amend. #3, AF 33(038)-1175, W33-038 ac 7, S. A. #52, W33-038 ac 7, S. A. #53, W33-038 ac 7, S. A. #50.

Continental Aviation Engineering Corp., Detroit, Mich.: W33-038 ac 13825, S. A. #4.

Continental Carbon, Inc., Cleveland, Ohio: AF 33 (038)-1954, AF 33(038)-2901.

Continental Electric Co., Inc., Newark, N. J.: Order (33-038)49-2829.

Continental Electronics, Ltd., Brooklyn, N. Y.: AF 33(038)-3042.

Continental Motors Corp., Muskegon, Mich.: AF 33(038)-586, AF 33(038)-625, AF 33(038)-1399, AF 33(038)-2226, Order (33-038)49-3487.

Control Instrument Co., Inc., Brooklyn, N. Y.: AF 33(038)-2608.

Cook Electric Co., Chicago, Ill.: Order (33-038)49-3288.

Cornelius Co., The, Minneapolis, Minn. AF 33(038)-1370, Order (33-038)49-2997, Order (33-038)49-3054, AF 33(038)-2109, AF 33(038)-2988.

Corneli Dubilier Electric Corp., South Plainfield, N. J.: N383s-13936, AF 33(038)-1232.

Cube Steak Machine Co., Needham Heights, Mass.: AF 33(038)-1485.

Curtis Auto Devices, Inc., Bedford, Ind.: AF 33(038)-1385.

Curtiss-Wright Corp., Columbus, Ohio: N383s-15074 Letter of Intent.

Airplane Division—NOa(s) 10085.

Propeller Division—N383s-10212, AF 33-(038)-1652, W33-038 ac 22303, C. O. #1, AF 33(038)-2020, W33-038 ac 20470, S. A. #8, AF 33(038)-2699.

Wright Aeronautical Division—N383s-6660, N383s-14016, N383s-16664, W33-038 ac 21718, S. A. #1, AF 33(038)-2494, W33-038 ac 20179, S. A. #2.

Cutler-Hammer, Inc., Philadelphia, Pa.: N383s-15616, AF 33(038)-1055, AF 33(038)-2744.

Dana Corp., Toledo, Ohio: Spicer Manufacturing Division—N383s-15985.

Davis Aircraft Engineering, Inc., Lexington, Mass.: NOa(s) 10317.

Dayton Aircraft Products Co., Dayton, Ohio: Order (33-038) 49-3146.

Diehl Manufacturing Co., Somerville, N. J.: N163s-276.

Dooley, L. R., Inc., New York, N. Y.: NOa(s) 10380.

Douglas Aircraft Co., Inc., Santa Monica, Calif.: NOa(s) 6539, Amend. #47 and Amend. #50, NOa(s) 8522, Amend. #15, NOa(s) 9238 Amend. #13, NOa(s) 10193, N383s-14845, N383s-15339, N383s-15989, N383s-16043, N383s-16291, N383s-16297, AF 33(038)-543, AF 33(038)-1980, W33-038 ac 17117, S. A. #1, W33-038 ac 22144, S. A. #1, W33-038 ac 22146, AF 33(038)-1736, AF 33(038)-2313, W33-038 ac 22146, Order (33-038)49-2158, AF 33(038)-2824, AF 33(038)-2983, W33-038 ac 22146, C. O. #2, W33-038 ac 22146, C. O. #3, W33-038 ac 22146, C. O. #4, W33-038 ac 22146, C. O. #5, W33-038 ac 22146, C. O. #6.

Duro Co., Dayton, Ohio: AF 33(038)-1058.

Dzus Fastener Co., Babylon, N. Y.: AF 33(038)-2432, AF 33(038)-2753, Order (33-038)49-3928.

Eastern Industries Inc., New Haven, Conn.: N383s-14238, N383s-15146.

Eastern Rotorcraft Co., Willowgrove, Pa.: Order (33-038)49-1810.

Eastman Kodak Co., Rochester, N. Y.: AF 33(038)-2411, AF 33(038)-2672, W33-038 ac 22041.

Eaton Manufacturing Co., Detroit, Mich.: Stamping Division—N383s-15402.

Economy Screw Machine & Metals Products Mfg. Co., New York, N. Y.: N383s-15847.

Edison, Thomas A., Inc., West Orange, N. J.: N383s-14619.

Elcor, Inc., Chicago, Ill.: W33-038 ac 20048, C. O. #2.

Elastic Stop Nut Corp. of America, Union, N. J.: AF 33(038)-2335, AF 33(038)-2936.

Electric Auto-Lite Co., Port Huron, Mich.: AF 33(038)-1242.

Electric Industrial Equipment & Supply Corp., Baltimore, Md.: AF 33(038)-1606, AF 33(038)-2677.

Electric Storage Battery Co., The, Philadelphia, Pa.: AF 33(038)-1572, AF 33(038)-1918, AF 33(038)-2431.

Electrical Engineering & Mfg. Corp., Los Angeles, Calif.: N383s-15770, AF 33(038)-2050, AF 33(038)-1696.

Electrol Inc., Kingston, N. Y.: N383s-13122, N383s-15002, N383s-15963, N383s-16751.

Electronic Transformer Co., New York, N. Y.: AF 33(038)-1230, AF 33(038)-3044, Order (33-038)49-3462.

Electronicraft, Inc., Tuckahoe, N. Y.: AF 33(038)-2951.

Elgin National Watch Co., Elgin, Ill.: Order (33-038)49-2192, Order (33-038)49-2103.

Eltron, Inc., Jackson, Mich.: AF (33-038)-1353.

Emerson Electric Mfg. Co., The, St. Louis, Mo.: NOa(s) 9682 Amend. #1, NOa(s) 10222, W33-038 ac 16986, C. O. #12, W33-038 ac 16986, S. A. #11.

Engineering Laboratories, Inc., Garland, Tex.: Order (33-038)49-3137.

Erie Manufacturing Co., Milwaukee, Wis.: N383s-15112.

Essex Wire Corp., Fort Wayne, Ind.: Order (33-038)49-1906, AF 33(038)-1241.

Etched Products Corp., Long Island City, N. Y.: N383s-14327.

Espey Manufacturing Co., Inc., New York, N. Y.: W33-038 ac 21729, S. A. #2.

Fafnir Bearing Co., The, New Britain, Conn.: N383s-15509.

Fairchild Camera & Instrument Co., Jamaica, Long Island, N. Y.: NOa(s) 10184, AF 33(038)-1554, AF 33(038)-583, AF 33(038)-2670, Order (33-038)49-3181.

Fairchild Engine & Airplane Corp., Hagerstown, Md.:

Fairchild Aircraft Division—W33-038 ac 22161, AF 33(038)-1029, W33-038 ac 19200, C. O. #14, W33-038 ac 22161, C. O. #1, W33-038 ac 22171.

Ranger Division—NOa(s) 9871 Amend. #1, W33-038 ac 22287.

Farrand Optical Co., New York, N. Y.: AF 33(038)-1982.

Featherlike Pneumatic Products, Los Angeles, Calif.: AF 33(038)-2851.

Federal Aircraft Works, Minneapolis, Minn.: AF 33(038)-1362, AF 33(038)-986.

Federal Telephone & Radio Corp., Clifton, N. J.: AF 33(038)-2224.

Felsenthal, G., & Sons, Inc., Chicago, Ill.: N383s-15232.

Fenwal, Inc., Ashland, Mass.: Order (33-038)49-506, Amend. #1.

Ferry, E. W., Products Co., Brook Park, Ohio: AF 33(038)-3262, AF 33(038)-3271.

Ferry, E. W., Screw Products, Inc., Berea, Ohio: AF 33(038)-2688.

Firestone Tire & Rubber Co., The, Akron, Ohio: ASO Order Number-10922-6, ASO Order Number-10922-7, AF 33(038)-1298.

First Industrial Corp., New York, N. Y.: Micro Switch Division—Order (33-038)49-3763.

Fischer & Porter Co., Hatboro, Pa.: N383s-16472.

Fisher Research Laboratory, Inc., Palo Alto, Calif.: AF 33(038)-1233.

Flader, Fredrick, Inc., North Tonawanda, N. Y.: AF 33(038)-1173, W33-038 ac 21722, C. O. #1.

Fletcher Aviation Corp., Pasadena, Calif.: AF 33(038)-1923.

Foote Bros. Gear & Machine Corp., Chicago, Ill.: N383s-14675.

Formica Co., Cincinnati, Ohio: N383s-14976, N383s-15969.

Franklin Machine Products Co., New York, N. Y.: AF 33(038)-1988.

Freed Transformer Co., Inc., Brooklyn, N. Y.: N156s-26640, N156s-26693.

G & O Manufacturing Co., New Haven, Conn.: AF 33(038)-2766.

Gannon, Russell R., Co., Cincinnati, Ohio: AF 33(038)-978.

Garrett Corp., The, Los Angeles, Calif.: Airesearch Manufacturing Co. Division—NOa(s) 9404 Amend. #1, NOa(s) 10279 Letter of Intent, N383s-14366, N383s-14388, N383s-15003, N383s-16588, N383s-17011, AF 33(038)-1523.

Garrett, George K., Co., Inc., Philadelphia, Pa.: AF 33(038)-2750.

Gary Aircraft Supply Co., Los Angeles, Calif.: N383s-15708.

General Controls Co., Glendale, Calif.: N383s-13690, N383s-14446, N383s-15914, N383s-16293, Order (33-088)-2043.

General Development Corp., Elkton, Md.: AF 33(038)-1384.

General Electric Co., Schenectady, N. Y.: NOa(s) 10246, NOa(s) 10319, N383s-14048, N383s-14198, N383s-14224, N383s-14343, N383s-14550, N383s-14652, N383s-14982, N383s-15116, N383s-15221, N383s-15346, N383s-15689, N383s-15814, N383s-16044, N383s-16281, W33-038 ac 22190, AF 33(038)-1499, W33-038 ac 22188, Order (33-038)49-2216, Order (33-038)49-1605, AF 33(038)-1730, AF 33 (038)-1740, AF 33(038)-1733, W33-038 ac 11420, S. A. #2, W33-038 ac 22222, Order (33-038)49-2536, AF 33(038)-1745, AF 33(038)-2410, Order (33-033)49-3291, Order (33-038)49-3731, Order (33-038)49-3777, Order (33-038)48-2294, Amend. #1, AF 33(038)-2125, AF 33(038)-2378, AF 33(038)-2382, AF 33(038)-2384, AF 33(038)-2433, AF 33(038)-2546, W33-038 ac 14227, W33-038 ac, 18109, S. A. #1, W33-038 ac 22188, W33-038 ac 22223, W33-038 ac 22299, W33-038 ac 14739, S. A. #2.

General Electric Supply Corp., Dayton, Ohio: AF 33(038)-1292, AF 33(038)-1844, AF 33(038)-1240, AF 33(038)-2682.

General Fireproofing Co., The, Youngstown, Ohio: N383s–15564.

General Laboratory Associates, Inc., Norwich, N. Y.: AF 33(038)–975, AF 33(038)–976.

General Motors Corp., Detroit, Mich.: NOa(s) 9697 Amend. #14.

A. C. Spark Plug Division—AF 33(038)–186, AF 33(038)–1299, W33–038 ac 22285, W33–038 ac 21110, S. A. #1.

Aero Products Division—N383s–2957, N383s–13412 Letter of Intent, N383s–15558, AF 33(038)–1174.

Allison Division—AF 33(038)–3034, AF 33(038)–3210, W33–038 ac 18714, S. A. #16, W33–038 ac 19751, S. A. #17, W33–038 ac 22216, S. A. #3, W33–038 ac 22216, S. A. #4, W33–038 ac 22220, S. A. #5, W33–038 ac 18714, S. A. #13, W33–038 ac 19751, S. A. #16, AF 33(038)–167, S. A. #1, W33–038 ac 19652, S. A. #3, W33–038 ac 19652, S. A. #5.

Packard Electric Division—AF 33(038)–1611.

General Textile Mills, Inc., New York, N. Y.: N383s–15703.

Gilfillan Bros., Inc., Los Angeles, Calif.: Order (33–038)49–3322, Order (33–038)49–3817.

Gladden Products Corp., Glendale, Calif.: N383s–16839.

Globe Corp., Chicago, Ill.: Aircraft Division—N383s–14246, N383s–14249.

Goble Aircraft Specialties, Inc., Mineola, Long Island, N. Y.: N383s–15685.

B. F. Goodrich Company, The, Akron, Ohio: N383s–11601, N383s–13735, N383s–14054, N383s–14167, N383s–14621, N383s–14948, N383s–15774, N383s–15779, N383s–15780, N383s–15890, N383s–16842, ASO Order Number–10924–5, AF 33(038)–93, AF 33(038)–1060, AF 33(038)–1914, AF 33(038)–1047, AF 33(038)–2115, Order (33–038)49–3746, Order (33–038)49–3747.

Goodyear Aircraft Corp., Akron Ohio: NOa(s) 9861 Amend. #2, NOa(s) 9912, N383s–1128.

Goodyear Tire & Rubber Export Co., Akron, Ohio: AF 33(038)–37.

Goodyear Tire & Rubber Co., Inc., The, Akron, Ohio N383s–9344, N383s–9485, N383s–15085, N383s–15739, N383s–16016, N383s–16272, N383s–17151 Letter of Intent, ASO Order Number–10925–5, AF 33(038)–1363, W33–038 ac 19021, C. O. #3, W33–038 ac 21191, C. O. #3, W33–038 ac 22191, C. O. #4, AF 33(038)–2243, Order 33(038)49–3053, Order (33–038)49–3301, AF 33(038)–2388, AF 33(038)–2422, AF 33(038)–2450, AF 33(038)–3104.

Grand Central Airport Co., Glendale, Calif.: N383s–15711.

Graybar Electric Co., Inc., Dayton, Ohio: AF 33(038)–890, AF 33(038)–1264, AF 33(038)–1435, Order (33–038)49–2647, AF 33(038)–2681.

Graflex, Inc., Rochester, N. Y.: AF 33(038)–63.

Grimes Manufacturing Co., Urbana, Ohio: AF 33(038)–1351.

Grumman Aircraft Engineering Corp., Bethpage, Long Island, N. Y.: NOa(s) 9738, N383s–14049, N383s–14165, N383s–14484, N383s–15088, N383s–15543, N383s–15544, N383s–15835, N383s–15946, N383s–16683.

Guardian Electric Mfg. Co., Chicago, Ill.: AF 33(038)–1900, AF 33(038)–2828.

Hartman Electrical Mfg. Co., The, Mansfield, Ohio: NOa(s) 10327, Order (33–038)49–3295.

Hartzell Propellers Fan Co., Piqua, Ohio: AF 33(038)–1726.

Harvey Radio Laboratories, Inc., Cambridge, Mass.: NOa(s) 9611 Amend. #4.

Hazeltine Electronics Corp., New York, N. Y.: NOa(s) 9068 Amend. #4, W33–038 ac 17661, S. A. #4.

Hevi Duty Electric Co., Milwaukee, Wis.: AF 33(038)–1449.

Hewlett Packard Co., Palo Alto, Calif.: NOa(s) 9213 Amend. #8.

Hickok Electrical Instrument Co., Cleveland, Ohio: AF 33(038)–2126.

Holley Carburetor Co., Detroit, Mich.: AF 33(038)–1571.

Holophane Company, Inc., New York, N. Y.: AF 33(038)–1301.

Homelite Corp., Port Chester, N. Y.: Order (33–038)49–3818.

Houdaille-Hershey Corp., Buffalo, N. Y.: Houde Engineering Division—N383s–15115, N383s–15610, N383s–15764, N383s–16515, N383s–16752.

House of Jackson, Glendale, Calif.: AF 33(038)–1542.

Houston Corp., The, West Los Angeles, Calif.: NOa(s) 9029 Amend. #2, NOa(s) 9029 Amend. #9 Letter of Intent.

Hughes Tool Company, Austin, Tex.: Hughes Aircraft Company Division—W33–038 ac 21714.

Hydro-Aire, Inc., Burbank, Calif.: N383s–14714, N383s–15360, N383s–16246, N383s–16649, Order (33–038)49–2135, AF 33(038)–1556, AF 33(038)–2139, AF 33(038)–2389.

Independent Filter Press Co., Inc., Brooklyn, N. Y.: N383s–14629.

Industrial Precision Products Co., Chicago, Ill.: AF 33(038)–2939.

International Instruments, Inc., New Haven, Conn.: AF 33(038)–2128.

International Latex Corp., Dover, Del.: AF 33(038)–2318.

Interstate Engineering Corp., El Segundo, Calif.: N383s–14661, N383s–15507, N383s–16111, AF 33(038)–2419.

Jack & Heintz Precision Industries, Inc., Cleveland, Ohio: N383s–14047, N383s–14056, N383s–14516, N383s–16933, AF 33(038)–1343, AF 33(038)–1619, W33–038 ac 14501, S. A. #12, W33–038 ac 17487, C. O. #5, AF 33(038)–2285, Order (33–038)48–510, Amend. #2, AF 33(038)–2413, AF 33(038)–2428, AF 33(038)–2443, Order (33–038)–49–3848.

Jam Handy Organization, Inc., Detroit, Mich.: Order (33–038)49–3785.

John Brown University, Siloam Springs, Ark.: Order (33–038)49–2533.

Johnson, E. F., Co., Waseca, Minn.: Order (33–038)49–4048.

Jones, Howard B., Chicago, Ill.: AF 33(038)–2679.

Kalart Co., Inc., Stamford, Conn.: Order (33–038)49–774.

Kansas City Metal Products Co., Kansas City, Mo.: AF 33(038)–1992.

Kearfott Engineering Co., Inc., New York, N. Y.: AF 33(038)–2083, AF 33(038)–2080.

Kell-Strom Tool Co., Inc., The, Hartford, Conn.: N383s–14262, N383s–14357.

Kellogg Switchboard & Supply Co., Chicago, Ill.: NOa(s) 10282.

Kenyon Instrument Co., Inc., New York, N. Y.: N383s–14715, N383s–15434, N383s–15768, N383s–15809, N383s–15845, N383s–16678.

Kidde, Walter & Co., Inc., Belleville, N. J.: N383s–14624, N383s–15161, N383s–16018, N383s–16492, AF 33(038)–1748.

Kings Electronics Co., Brooklyn, N. Y.: N383s–14358, AF 33(038)–1836, AF 33(038)–3258.

Koppers Company, Inc., Pittsburgh, Pa.: Metal Products Division—NOa(s) 10253. Bartlett Hayward Division—N383s–14483, N383s–16986.

Lagonda Tool & Engineering Co., Springfield, Ohio: AF 33(038)–1034.

Landers-Frary & Clark, New Britain, Conn.: AF 33(038)–3003.

Larkin, M. D., Co., Dayton, Ohio: AF 33(038)–2680.

Lavoie Laboratories, Morganville, N. J.: W33–038 ac 21047, S. A. #2, W33–083 ac 21047, S. A. #3.

Leach Relay Co., Los Angeles, Calif.: AF 33(038)–2100, AF 33(038)–2805.

Lear, Inc., Grand Rapids, Mich.: N383s–14283, N383s–16354, N383s–16375, N383s–16415, N383s–16759. Romec Pump Co. Division—N383s–14041, NOa(s) 10200, AF 33(038)–1375, W33–038 ac 19473, Amend. #1, W33–038 ac 19909, S. A. #2, AF 33(038)–2362, AF 33(038)–2612, AF 33(038)–2992, W33–038 ac 19909, C. O. #3, W33–038 ac 19909, S. A. #4, Order (33–038)49–3419.

Leece-Neville Co., Cleveland, Ohio: N383s–14309.

Leland Electric Co., Dayton, Ohio: Order (33–038)48–4409, S. A. #1.

Lewis Engineering Co., The, Naugatuck, Conn.: N383s–14360, N383s–14749, N383s–15476, N383s–15539, N383s–15738, N383s–15856, N383s–15891, N383s–16286, AF 33(038)–1972, AF 33(038)–3036, AF 33(038)–3221.

Lewis, John T., & Bros., Philadelphia, Penn.: N383s–8802.

Libby–Owens Ford Glass Co., Toledo, Ohio: Liberty Mirror Division—N383s–15570.

Line Material Co. of Pennsylvania, East Stroudsburg, Pa.: AF 33(038)–1605.

Linear, Inc., Philadelphia, Pa.: AF 33(38)–2927.

Liquidometer Corp., The, Long Island City, N. Y.: N383s–14672, N383s–14862, N383s–15369, N383s–16027, AF 33(038)–965, AF 33(038)–2130, AF 33(038)–2821, AF 33(038)–2835, Order ,33–038)49–3353, Amend. #1, Order (33–038)49–3779, Order (33–038)49–3951, AF 33(038)–1688, Order (33–038)49–2169, Order (33–038)49–2899.

Lockheed Aircraft Corp., Burbank, Calif.: NOa(s) 9537 Amend. #2 Letter of Intent, NOa(s) 9869, NOa(s) 10108, NOa(s) 10229 Letter of Intent, N383s–15578, AF 33 (038)–99, AF 33(038)–1847, W33–038 ac 19283, C. O. #9, W33–038 ac 19283, C. O. #10, W33–038 ac 21663, C. O. #3, W33–038 ac 21663, C. O. #4, W33–038 ac 21663, C. O. #5, W33–038 ac 21663, C. O. #7, W33–038 ac 14563, C. O. #2, W33–038 ac 19283, C. O. #11, W33–038 ac 21663, C. O. #6, W33–038 ac 21022, C. O. #5, W33–038 ac 21663, C. O. #2, W33–038 ac 22166, Order (33–038)49–3429, W33–038 ac 19283, C. O. #8, W33–038 ac 19283, C. O. #12, W33–038 ac 19283, C. O. #13.

Lockheed Aircraft Service Inc., Burbank, Calif.: N383s–13075.

Longines-Wittnauer Co., Inc., New York, N. Y.: AF 33(038)–662.

Lord Manufacturing Co., Erie, Pa.: N383s–12296, AF 33(038)–3009.

MacWhyte Co., Kenosha, Wis.: Order (33–038)49–3927.

McCord Corporation, Detroit, Mich.: N383s–14625.

McDonnel Aircraft Corp., St. Louis, Mo.: NOa(s) 10041, NOa(s) 10117.

McGrath St. Paul Co., St. Paul, Minn.: AF 33(038)–1515, AF 33(038)–2520.

M. B. Manufacturing Co., Inc., The, New Haven, Conn.: N383s–16647.

M. C. Manufacturing Co., Lake Orion, Mich.: AF 33(038)–653, AF 33(038)–656.

Magnetic Devices, Inc., Frederick, Md.: N163s–264.

Mallory, P. R. & Co., Inc., N. Tarrytown, N. Y.: AF 33(038)–614.

Manhattan Lighting Equipment Co., Inc., New York, N. Y.: AF 33(038)–1577.

Manning, Maxwell & Moore, Inc., Bridgeport, Conn.: Airex hydraulics division—N383s–14380.

Marco Industries Co., Anaheim, Calif.: AF 33(038)–555.

Marlin-Rockwell Corp., Jamestown, N. Y.: AF 33(038)–3264.

Marman Products Company, Inglewood, Calif.: N383s–14447.

Marquette Metal Products Co., The, Cleveland, Ohio: N383s–15604, N383s–16362, AF 33(038)–2401, AF 33(038)–2987.

Glenn L. Martin Co., The, Baltimore, Md.: N383s–5837 Lot II, N383s–13818, N383s–14189, N383s–14513, N383s–14622, N383s–14641, W33–038 ac 13492, C. O. #15, W33–038 ac 14806, AF 33(038)–2720, W33–038 ac 21286, S. A. #3.

Maxson, W. L. Corp., The, New York, N. Y.: Maxson Engineering Division—N383s–13892.

Mechanical Products, Inc., Jackson, Mich.: AF 33(038)–1506.

Melpar, Inc., Alexandria, Va.: W33–038 ac 18195, C. O. #9.

Meriam Instrument Co., Cleveland, Ohio: N383s–15188.

Meters, Inc., Indianapolis, Ind.: N163s-249.

Midway Electrical Supply Co., Inc., New York, N. Y.: AF 33(038)-2678.

Mines Equipment Co., St. Louis, Mo.: AF 33(038)-2204.

Mine Safety Appliances Co., Pittsburgh, Pa.: N383s-7706.

Minneapolis-Honeywell Regulator Co., Minneapolis, Minn.: N383s-16524, AF 33(038)-1373, Order (33-038)49-2296, AF 33(038)-2380.

Molded Insulation Co., Philadelphia, Pa.: N383s-15892.

Monadnock Mills, S. Leandro, Calif.: AF 33(038)-2751, AF 33(038)-3207.

Monument Engineering Co., Indianapolis, Ind.: N163s-279.

Moody, D. & Company, Tulsa, Okla.: AF 33(038)-2439, Order (33-038)49-3309.

Muter Company, Chicago, Ill.: Order (33-038)49-2998.

Nasco, Inc., Cleveland, Ohio: N383s-14279.

Nathan Aircraft Devices, Inc., N. Y.: N383s-14627, N383s-14635.

National Aircraft Maintenance Corp., Alexandria, Va.: N383s-9564, N383s-16656.

National Battery Co., Depew, N. Y.: Gould Industrial Division—AF 33(038)-313, AF 33(038)-1919, AF 33(038)-2719, AF 33(038)-2792.

National Electrical Machine Shops, Inc., Silver Spring, Md.: W33-038 ac 16375, C. O. #4.

National Lock Co., Rockford, Ill.: AF 33(038)-2685, AF 33(038)-2903, AF 33(038)-3263.

National Machine Products, Los Angeles, Calif.: N383s-15912.

National Manufacturing Co., Inc., Hillside, N. J.: N383s-15737.

National Rivet & Mfg. Co., Waupun, Wis.: N383s-16149.

National Screw & Mfg. Co., Cleveland, Ohio: AF 33(038)-3074.

National Surplus Sales Co., Kansas City, Mo.: AF 33(038)-666, AF 33(038)-2391.

Nelson-Kelly Co., San Diego, Calif.: AF 33(038)-1575, W33-038 ac 21353, S. A. #2.

Nichols, W. H., Co., Waltham, Mass.: N383s-14353, N383s-14663.

Niles-Bement-Pond Co., West Hartford, Conn.: Chandler-Evans Division—N383s-15564, N383s-15566, N383s-16119, AF 33(038)-3090.

Nobles Engineering & Manufacturing Co., St. Paul, Minn.: AF 33(038)-1775.

North American Aviation, Inc., Los Angeles, Calif.: NOa(s) 6911 Amend #32, N383s-12696, N383s-14082, N383s-14174, N383s-14718, W33-038 ac 11114, C. O. #20, W33-038 ac 13950, C. O. #73, W33-038 ac 13950, C. O. #75, AF 33(038)-1350, W33-038 ac 13950, C. O. #74, W33-038 ac 13950, C. O. #77, W33-038 ac 16013, C. O. #38, W33-038 ac 18000, S. A. #12, Order (33-038)49-2560, AF 33(038)-1541, AF 33(038)-2010, AF 33(038)-2948, W33-038 ac 13950, C. O. #72, W33-038 ac 13950, C. O. #78, W33-038 ac 13950, C. O. #79, W33-038 ac 15569, S. A. #23, W33-038 ac 15569, S. A. #29, W33-038 ac 16013, C. O. #30, W33-038 ac 16013, C. O. #40, Order (33-038)49-3460.

Northrop Aircraft, Inc., Hawthorne, Calif.: AF 33(038)-1613, AF 33(038)-1817, W33-038 ac 22281, S. A. #1.

Northwestern Aeronautical Co., St. Paul, Minn.: N383s-15576.

Ohlson-International Corp., Long Island City, N. Y.: Ohlson-Empire Division—N383s-13590.

Olin Industries, Inc., East Alton, Ill.: Western Brass Mills Division—Order (33-038)49-4031.

Oro Mfg. Co., Adrian, Mich.: AF 33(038)-2105.

Pacific Airmotive Corp., Burbank, Calif.: N383s-13575, N383s-14228.

Pacific Scientific Co., Los Angeles, Calif.: N383s-17201.

Pan American Airways, Inc., Brownsville, Tex.: N383s-13576.

Pan-American Tool & Machine Corp., Dayton, Ohio: AF 33(038)-2116.

Parker Appliance Co., The, Cleveland, Ohio: N383s-14723, N383s-15035, N383s-15917, N383s-16298, N383s-16491, N383s-17239, AF 33(038)-2138, AF 33(038)-2334, AF 33(038)-2783, AF 33(038)-2928.

Parker Pattern & Foundry Co., Springfield, Ohio: AF 33(038)-1722.

Pederson J. Manufacturing Co., Bridgeport, Conn.: AF 33(038)-1987.

Peerless Tool Engineering Co., Chicago, Ill.: AF 33(038)-2194.

Perkin-Elmer Corp., Glenbrook, Conn.: AF 33(038)-2833.

Philco Corp., Philadelphia, Pa.: NOa(s) 9233 Amend. #2, NOa(s) 9993, Order (33-038)49-3289.

Phillips Control Corp., Joliet, Ill.: N156s-26665.

Piasecki Helicopter Corp., Morton, Pa.: NOa(s) 8385 Amend. #12, NOa(s) 10334.

Pierson Electrical & Engineering Corp., Los Angeles, Calif.: N383s-16764.

Pittsburgh Plate Glass Co., Philadelphia, Pa.: N383s-14855, N383s-15811.

Plextron, Inc., New York, N. Y.: N383s-17115.

Pollak, Joseph Corp., Boston, Mass.: N383s-16228, Order (33-038)49-3296.

Purolator Products, Inc., Newark, N. J.: N383s-16170, AF 33(038)-1030.

Pyle-National Co., Chicago, Ill.: AF 33(038)-1302, AF 33(038)-2041.

Radiation Counter Lab., Chicago, Ill.: AF 33(038)-2447.

Radio Corp. of America, Camden, N. J.: Victor Division—W33-038 ac 20726, S. A. #2, W33-038 ac 19857, S. A. #1, W33-038 ac 21045, Order (33-038)49-3527.

Radio Plane Company, Van Nuys, Calif.: N383s-14046, N383s-14095, N383s-16516, AF 33(038)-2203.

Radio Receptor Co., Inc., New York, N. Y.: Order (33-038)49-3762.

Radio Wire Television, Inc., New York, N. Y.: AF 33(038)-2342.

Railway & Industrial Engineering Co., Greensburg, Pa.: N383s-14391.

Raytheon Mfg. Co., Waltham, Mass.: AF 33(038)-1379.

Reaction Motors, Inc., Dover, N. J.: NOa(s) 9634, Amend. #2.

Reed & Prince Manufacturing Co., Worcester, Mass.: N383s-15882.

Reeves-Hoffman Corp., Carlisle, Pa.: AF 33(038)-570.

Republic Aviation Corp., Farmingdale, Long Island, N. Y.: AF 33(038)-629, W33-038 ac 15930, C. O. #8, AF 33(039)-1760, AF 33(038)-2825, AF 33(038)-3202, W33-038 ac 14583, C. O. #1, Order (33-038)49-4035.

Revere Electric Mfg. Co., Chicago, Ill.: AF 33(038-987, AF 33(038)-1140.

Rheem Manufacturing Co., Richmond, Calif.: N383s-15391.

Rhodes Lewis Co., Los Angeles, Calif.: NOa(s) 9523 Amend. #1, NOa(s) 10202, AF 33(038)-2071.

Rochester Manufacturing Co., Rochester, N. Y.: AF 33(038)-1340, Order (33-038)49-2250, AF 33(038)-3208.

Rod Cutting Company, Cleveland, Ohio: AF 33(038)-3259.

Rowe Industries, Inc., Toledo, Ohio: Order (33-038)49-3043.

Rumsey Electric Co., Philadelphia, Pa.: N156s-26636.

Ryan Aeronautical Co., San Diego, Calif.: W33-038 ac 14265, S. A. #5, W33-038 ac 21256, C. O. #8.

Ryan Industries, Inc., Detroit, Mich.: AF 33(038)-1374.

Sandberg-Serrell, Pasadena, Calif.: AF 33(038)-2350.

Sangamo Electric Co., Springfield, Ill.: AF 33(038)-3282.

Saunders, James Co., Dayton, Ohio: AF 33(038)-2047.

Saval, Inc., Los Angeles, Calif.: N383s-13199, N383s-14565.

Schaevitz Engineering, Camden, N. J.: Order (33-038)49-2727.

Schenuit, Frank G., Rubber Co., The, Baltimore, Md.: ASO Order Number-10926-4.

Schraders, A. Son, Brooklyn, N. Y.: Order (33-038)49-3151, Order (33-038)49-2557.

Schwien, L. N., Engineering Co., Los Angeles, Calif.: N383s-13311, N383s-14143, AF 33(038)-453, AF 33(038)-585, AF 33(038)-2081, Order (33-038)49-3660, Order (33-038)49-3959.

Sealol Corp., Providence, R. I.: N383s-14548.

Selectar Industries, Inc., New York, N. Y.: AF 33(038)-2622.

Sentinel Aircraft, Inc., Ann Arbor, Mich.: Order (33-038)49-1990.

Service Machine Co., Elizabeth, N. J.: N383s-14817.

Servomechanisms, Inc., Mineola, N. Y.: Order (33-038)49-2978.

Shallcross Co., Collingdale, Pa.: AF 33(038)-1878.

Sharp & Flynn Inc., Philadelphia, Pa.: N383s-13969.

Simmonds Aerocessories, Inc., Tarrytown, N. Y.: N383s-14331, N383s-14533, N383s-14896, N383s-15195, N383s-15477.

Smith, Nathan R., Manufacturing Co., South Pasadena, Calif.: N383s-14614.

Snyder Aircraft Corp., Chicago, Ill.: N383s-13076, N333s-16607.

Solar Aircraft Co., San Diego, Calif.: N383s-16361, AF 33(038)-2349.

Somerville, Thos., Co., Washington, D. C.: N383s-13654.

Southwest Airways Co., San Francisco, Calif.: N383s-14514.

Spartan Aircraft Co., Tulsa, Okla.: Spartan Aero Repair Division—N383s-16243.

Specialty Assembling & Packing Co., Inc., Brooklyn, N. Y.: Order (33-038)48-3578.

Spencer Thermostat Co., Attleboro, Mass.: AF 33(038)-1508.

Sperry Corp., The, Great Neck, Long Island, N. Y.: Sperry Gyroscope Co.—N383s-14200, N383s-14634, N383s-14706, N383s-15436, AF 33(038)-1574, AF 33(038)-1981, W33-038 ac 16799, C. O. #4, W33-038 ac 20467, S. A. #1, W33-038 ac 21545, Amend. #2, W33-038 ac 22263, AF 33(038)-1716, AF 33(038)-2180, AF 33(038)-2646, W33-038 ac 20436, S. A. #5.

Spriech Tool & Mfg. Co., Buffalo, N. Y.: AF 33(038)-1943.

Square D Co., Elmhurst, Long Island, N. Y.: Kollsman Instrument Division—NOa(s) 9662 Amend. #1, N383s-13778, N383s-14166, N383s-14247, N383s-14337, N383s-14559, N383s-15473, N383s-15978, N383s-16532, AF 33(038)-1514, AF 33(038)-2065, Order (33-038)49-256 Amend. #2, Order (33-038)49-2721, Order (33-038)49-2877, AF 33(038)-977, AF 33(038)-1514, AF 33(038)-1762, AF 33(038)-2112, AF 33(038)-2396, AF 33(038)-2459.

Stacey Bros. Gas Construction Co., The, Cincinnati, Ohio: Order (33-038)49-2875.

Standard Electrical Products Co., Dayton, Ohio: AF 33(038)-2619, AF 33(038)-2702, AF 33(038)-2709, AF 33(038)-2950.

Standard Pressed Steel Co., Jenkinton, Pa.: AF 33(038)-2687, AF 33(038)-2865, Order (33-038)49-3892.

Standard-Thomson Corp., Dayton, Ohio: Order (33-038)49-1926. Clifford Division—N383s-14818.

Steel Products Engineering Co., The, Springfield, Ohio: N383s-15961, AF 33(038)-1920.

Steelcraft Mfg. Company, Rossmoyne, Ohio: AF 33(038)-1640.

Stewart-Warner Corp, Indianapolis, Ind.: N383s-14837, N383s-14970, N383s-15250, N383s-15396, N383s-15605, N383s-15577, AF 33(038)-2222.

Struthers-Dunn, Inc., Philadelphia, Pa.: Order (33-038)49-3361.

Submarine Signal Co., Boston, Mass.: NOa(s) 10017.

Sundstrand Machine Tool Co., Rockford, Ill.: N383s-14248, AF 33(038)-2594.

Surface Combustion Corp., Toledo, Ohio: N383s–14134, N383s–14856, N383s–15329, N383s–15718, AF 33(038)–1401.

Technicraft Corp., Kansas City, Mo.: AF 33(038)–1614.

Telectro Industries Corp., Long Island City, N. Y.: AF 33(038)–2949.

Teleflex, Inc., Philadelphia, Pa.: N383s–16148, N383s–16528.

Telephonics Corp., New York, N. Y.: NOa(s) 9618 Amend. #1, N383s–16645, AF 33(038)–1747.

Telerad Manufacturing Corp., New York, N. Y.: Order (33–038)49–3741.

Thompson Products, Inc., Cleveland, Ohio: N383s–15389, N383s–16997, W33–038 ac 16820, AF 33(038)–1057, AF 33(038)–2073, Order (33–038)49–3757.

Thordarson Electric Manufacturing Co., Chicago, Ill.: Order (33–038)49–3783.

Titeflex, Inc., Newark, N. J.: N383s–13833, N383s–14087, N383s–16045, AF 33(038)–984, Order (33–038)49–2504, AF 33(038)–2566, AF 33(038)–2850.

Torrington Manufacturing Co., The, Torrington, Conn.: Air Impelled Division—Order (33–038)49–3256.

Traceriab, Inc., Boston, Mass.: AF 33(038)–2369.

Trane Co., The, La Crosse, Wis.: N383s–15841.

Trine Manufacturing Co., Richmond, Ind.: AF 33(038)–2934.

Tube Manifold Corp., Buffalo, N. Y.: N383s–14745.

United Aircraft Corp., East Hartford, Conn.:

Chance Vought Division—N383s–612^ Lot II N383s–14251, N383s–15532, N383s–15893 Letter of Intent, Order (33–038)49–2260.

Hamilton Standard Propeller Division—NOa(s) 9812 Amend. #3 Letter of Intent, NOa(s) 10271 Letter of Intent, N383s–13134 Letter of Intent, AF 33(038)–936, AF 33(038)–1513, AF 33(038)–2352.

Pratt & Whitney Aircraft Division—N383s–12934 Letter of Intent, W33–038 ac 19032, C. O. #2.

Sikorsky Aircraft Division—AF 33(038)–1516, W33–038 ac 19394, C. O. #3, Order (33–038)49–2712, AF 33(038)–1516, AF 33(038)–1906, Order (33–038)49–3060, W33–038 ac 19394, C. O. #4, Order (33–038)49–3572, Order (33–038)49–4184.

United Aircraft Products, Inc., Dayton, Ohio: N383s–13737, N383s–14736, N383s–16984, AF 33(038)–2402.

United States Rubber Co., New York, N. Y.: ASO Order Number 10927–6, AF 33(038)–1718, AF 33(038)–2104, AF 33(038)–2449.

Fuel Cell Division—N383s–15690, AF 33(038)–2599.

United Transformer Corp., New York, N. Y.: AF 33(038)–2726, Order (33–038)49–3576.

Utica Drop Forge & Tool Corp., Utica, N. Y.: AF 33(038)–1937.

Utility Industries Co., East Hartford, Conn.: AF 33(038)–1331.

Vard, Inc., Pasadena, Calif.: N383s–14177.

Varo Mfg. Company, Inc., Garland, Tex.: AF 33(038)–2451.

Vickers, Inc., Detroit, Mich.: N383s–14012, N383s–14055, N383s–14092, N383s–14112, N383s–14829, N383s–14830, N383s–14838, N383s–16197, N383s–16525, N383s–16763.

Walter, D. N. & E., & Co., San Francisco, Calif.: N220–383s–49681A.

Waltham Watch Co., Waltham, Mass.: AF 33(038)–2366.

Waterman Engineering Co., Evanston, Ill.: N383s–14042.

Weatherhead Co., The, Cleveland, Ohio: N383s–14111, AF 33(038)–2333, AF 33(038)–2933.

Weigand, Edwin L., Pittsburgh, Pa.: AF 33(038)–1970.

Western Arc Welding, Inc., Los Angeles, Calif.: N383s–15781.

Western Electric Co., Inc., Newark, N. J.: NObsr 43175, Order (33–038)49–2745, Order (33–038)49–2766, Order (33–038)49–3302.

Western Fire Equipment Co., San Francisco, Calif.: N383s–15991.

Westinghouse Electric Corp., Pittsburgh, Pa.: NOa(s) 10067 Letter of Intent, NOa(s) 10123 Letter of Intent, N383s–7435, N383s–14178, N383s–14972, N383s–15710, N383s–3381–40, N383s–3381–42, N383s–3381–43, AF 33(038)–1940, W33–038 ac 19723, C. O. #3.

Weston Electrical Instrument Corp., Newark, N. J.: N383s–14721, N383s–15450, N383s–16430, Order (33–038)49–1922, Order (33–038)49–2922, AF 33(038)–2101, AF 33(038)–2813, Order (33–038)49–3457, Order (33–038)49–3495, Order (33–038)49–3880.

Weston Hydraulics, Ltd., North Hollywood, Calif.: N383s–14428, N383s–14847, N383s–14902, N383s–15398, Order (33–038)49–2035.

White-Rodgers Co., Inc., St. Louis, Mo.: AF 33(038)–2362.

White Tuning Corp., New York, N. Y.: AF 33(038)–2614.

Wm. R. Whittaker Co., Ltd., Los Angeles, Calif.: N383s–16503.

Wickland Mfg. Co., Pasadena, Calif.: AF 33(038)–1776.

Wiggins, E. B., Oil Tool Company, Inc., Los Angeles, Calif.: N383s–14636.

Wilcox Electric Co., Inc., Kansas City, Mo.: AF 33(038)–1500.

Wilmer Machine Works, Baltimore, Md.: N383s–15457.

Winslow Co., Inc., The, Newark, N. J.: N383s–15455.

Wood Electric Co., Newburyport, Mass.: AF 33(038)–1507, AF 33(038)–2743.

Woodward Governor Co., Rockford, Ill.: N383s–15001.

Workshop Associates, Inc., Newton Highlands, Mass.: AF 33(038)–1329.

Young Radiator Co., Racine, Wis.: AF 33(038)–1769.

[F. R. Doc. 49–6538; Filed, Aug. 10, 1949; 9:10 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Misc. No. 50468]

ARIZONA

RELEASE OF CERTAIN LANDS FROM WATER POWER DESIGNATION NO. 5, ARIZONA NO. 2 POWER SITE CANCELLATION NO. 94

Under the authority granted by section 28 of the act of June 20, 1910 (36 Stat. 557, 575), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following-described public lands which were on February 9, 1917, reserved under Water Power Designation No. 5, Arizona No. 2, as actually or prospectively valuable for the development of water powers or power for hydroelectric use or transmission, are hereby released from said designation:

GILA AND SALT RIVER MERIDIAN

T. 17 N., R. 6 E.,
Sec. 5, N½SW¼SW¼, E½SE¼SW¼SW¼, SW¼SE¼SW¼, and NW¼SE¼SE¼SW¼;
Sec. 7, S½S½NE¼SE¼;
Sec. 8, N½NW¼NE¼NW¼ and SW¼NW¼NE¼NW¼;
Sec. 18, E½E½ lot 4, E½SE¼NE¼, E½W½SE¼NE¼, SE¼NE¼SW¼, SE¼SW¼, E½NE¼SE¼, E½W½NE¼SE¼, SW¼SE¼, and W½SE¼SE¼;
Sec. 19, NW¼NE¼NE¼, N½NW¼NE¼ and NE¼NE¼NW¼.

The areas described aggregate 275 acres.

This order shall become effective at 10:00 a. m. on the 35th day after the date of this order.

Dated: August 4, 1949.

J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 49–6495; Filed, Aug. 10, 1949; 8:59 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938 and section 1 (b) of the Walsh-Healey Public Contracts Act have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938 (sec. 14, 52 Stat. 1068; 29 U. S. C. 214) and Part 525 of the regulations issued thereunder (29 CFR, Cum. Supp., Part 525, amended 11 F. R. 9556), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR, Cum. Supp., 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Cincinnati Association for the Blind, 1548 Central Parkway, Cincinnati 10, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher, and a rate of not less than 5 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective August 1, 1949, and expires July 31, 1950.

Training Center for Adult Blind, 3601 Telegraph Avenue, Oakland 9, California; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 65 cents per hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective August 1, 1949, and expires July 31, 1950.

Davis Memorial Goodwill Industries, 1218 New Hampshire Avenue, NW., Washington, D. C.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same

occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective August 1, 1949, and expires July 31, 1950.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

The certificates may be cancelled in the manner provided by the regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 1st day of August, 1949.

JACOB I. BELLOW,
Assistant Director,
Field Operations Branch.

[F. R. Doc. 49-6497; Filed, Aug. 10, 1949; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3964]

TRANS-CANADA AIR LINES; MONTREAL-NEW YORK SERVICE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of Trans-Canada Air Lines pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, for a foreign air carrier permit authorizing the foreign air transportation of persons, property and mail between Montreal, Quebec, Canada, and New York, N. Y., U. S. A.

Notice is hereby given that the above-entitled proceeding now assigned for hearing on August 15, 1949, at 10:00 a. m., e. d. s. t., is postponed until August 29, 1949, at 10:00 a. m., e. d. s. t., in Room 2015, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., August 4, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-6510; Filed, Aug. 10, 1949; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1052]

TEXAS GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

AUGUST 4, 1949.

On May 24, 1948, Texas Gas Transmission Corporation (Applicant), a Delaware corporation having its principal place of business at Owensboro, Kentucky, filed an application, amended on August 19, 1948, and on July 28, 1949, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 15, 1948 (13 F. R. 3242).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on August 26, 1949, at 9:30 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington D. C., concerning the matters involved and the issues presented by such application, as amended: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of said rules of practice and procedure.

Date of issuance: August 8, 1949.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 49-6504; Filed, Aug. 10, 1949; 8:48 a. m.]

[Docket No. G-1053]

TEXAS GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

AUGUST 4, 1949.

On May 24, 1948, Texas Gas Transmission Corporation (Applicant), a Delaware corporation having its principal place of business at Owensboro, Kentucky, filed an application, amended on August 19, 1948, and on July 28, 1949, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 15, 1948 (13 F. R. 3242).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on August 26, 1949, at 9:45 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application, as amended: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: August 8, 1949.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 49-6505; Filed, Aug. 10, 1949; 8:48 a. m.]

[Docket No. G-1251]

MONTANA-DAKOTA UTILITIES CO.

ORDER INSTITUTING INVESTIGATION AND FIXING DATE FOR HEARING

AUGUST 4, 1949.

On July 14, 1949, Mondakota Gas Company filed with the Commission an informal complaint against Montana-Dakota Utilities Co., alleging the failure and refusal, after request, of the latter Company to undertake and perform common carrier natural gas transportation service in accordance with its common carrier rate schedule Montana-Dakota Utilities Co., FPC Gas Tariff, Original Volume No. 1, filed pursuant to the orders of the Commission in Docket Nos. G-220 and G-402.

On July 28, 1949, Montana-Dakota Utilities Co., filed with the Commission its response to the informal complaint, denying that it refused to perform common carrier service in accordance with its gas tariff, and alleged its willingness to transport natural gas in accordance with its tariff over its interstate transmission pipe line system.

The Commission, on its own motion, orders:

(A) An investigation of the complaint of Mondakota Gas Company and the response of Montana-Dakota Utilities Co., be and it is hereby instituted for the purpose of determining whether any provision of the Natural Gas Act, as amended, or any rule, regulation or order thereunder has been violated and whether Mondakota Gas Company has made a request in accordance with Common Carrier Rate Schedule Montana-Dakota Utilities Co., FPC Gas Tariff, Original Volume No. 1, for common carrier transportation of natural gas, and also whether Montana-Dakota Utilities Co. has refused to render common carrier natural gas transportation service in accordance with its Gas Tariff, Original Volume No. 1.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 14 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held commencing on August 22, 1949, at 10:00 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by the complaint and answer and other relevant matters pertaining thereto.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: August 8, 1949.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 49-6506; Filed, Aug. 10, 1949; 8:48 a. m.]

[Docket No. E-6228]

GULF STATES UTILITIES CO.

NOTICE OF APPLICATION

AUGUST 5, 1949.

Notice is hereby given that on August 4, 1949, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Gulf States Utilities Company, a corporation organized under the laws of the State of Texas and doing business in the States of Texas and Louisiana, with its principal business office at Beaumont, Texas, seeking an order authorizing the issuance of a note or notes in the aggregate amount of $1,433,163.65 evidencing borrowings from Irving Trust Company of New York and The Chase National Bank of the City of New York, bearing interest at the rate of 2% per annum on notes issued on or before October 31, 1949, with subsequent borrowings, if any, at lender's then existing prime rate for notes of like character. Applicant estimates that the note will be issued in September or October 1949, with a maturity not in excess of nine months from date of issuance; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 25th day of August, 1949, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 49-6507; Filed, Aug. 10, 1949; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1957]

MIDDLE WEST CORP. AND CONSOLIDATED ELECTRIC AND GAS CO.

ORDER GRANTING AND PERMITTING APPLICATION AND DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 5th day of August A. D. 1949.

The Middle West Corporation ("Middle West") and Consolidated Electric and Gas Company ("Consolidated"), nonaffiliated registered holding companies, having filed a joint declaration and amendments thereto, with this Commission pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 regarding the sale of their holdings of shares of the common stock of their subsidiary company, Upper Peninsula Power Company; and

Declarants also having filed an application for exemption from the competitive bidding requirements of Rule U-50 of the general rules and regulations under said act with respect to the sale of such shares; and

A public hearing having been held in respect of said application and declaration after appropriate notice, the Commission having considered the record, and having made and filed its findings and opinion herein;

It is ordered, That said application and declaration, as amended, be, and hereby are, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the Public Utility Holding Company Act of 1935 and subject, further, to the reservation of jurisdiction by the Commission to pass upon the definitive terms of any proposed sale by The Middle West Corporation and Consolidated Electric and Gas Company of shares of the common stock of Upper Peninsula Power Company.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 49-6498; Filed, Aug. 10, 1949; 8:47 a. m.]

[File No. 70-2186]

UTAH POWER AND LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 5th day of August A. D. 1949.

Notice is hereby given that a declaration has been filed pursuant to the Public Utility Holding Company Act of 1935 by Utah Power and Light Company ("Utah"), a registered holding company. The declarant has designated sections 6 (a) and 7 of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may not later than August 25, 1949, at 5:30 p. m., e. d. s. t., request the Commission that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 25, 1949, such declaration as filed or as amended may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized below:

Utah proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $3,000,000 principal amount of First Mortgage Bonds due October 1, 1979.

Utah also proposes to offer to its stockholders of record, as of the close of business on September 3, 1949, the right to purchase 148,155 additional shares of its common stock at the rate of one share of new stock for each eight shares of common stock presently held. Subscription rights will be evidenced by transferable warrants which will expire on a date twenty days after the mailing of notice that such rights are available. Prior to the offering to stockholders, Utah will, pursuant to the competitive bidding requirements of Rule U-50, publicly invite bids for the underwriting of such offer, and the purchase by the underwriters of such shares of common stock as are not purchased by Utah's stockholders plus not in excess of 5,000 shares of common stock which may be purchased by the company in connection with stabilization operations. The common stock will be offered to the company's common-stock holders at the same price at which unsubscribed shares will be offered to the public by the successful bidders.

For the purpose of stabilizing the market price of its common stock, Utah requests permission to acquire up to 5,000 shares of its common stock by purchases on the New York Curb Exchange, or

otherwise, on the morning of the day on which bids for the purchase of the common shares are to be opened.

The proceeds of the issue and sale of the bonds and additional common stock will be used for the construction of new facilities and the extension and improvement of present facilities. The issue and sale of such securities are subject to the approval of the Public Service Commission of Wyoming.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 49-6501; Filed, Aug. 10, 1949; 8:48 a. m.]

[File No. 1-2514]

OLD POINDEXTER DISTILLERY, INC.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of August A. D. 1949.

The New York Curb Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from registration and listing the Common Stock Par Value $1.00, of Old Poindexter Distillery, Incorporated.

The application alleges that (1) the stockholders at a special meeting held on November 3, 1948 voted to dissolve and liquidate the company, effective on November 16, 1948; (2) on December 2, 1948 the Board of Directors authorized two liquidating distributions to be paid to the holders of the company's common stock, as follows:

(a) Distribution of ⅕ of a share of Common Stock of General Bottlers, Inc., for each share of Common Stock of Old Poindexter Distillery, Incorporated held, to be payable on December 28, 1948, to stockholders of record at the close of business on December 15, 1948.

(b) Distribution of substantially all of the bulk whiskey owned by the company, by means of distribution of warehouse receipts for such whiskey in exchange for $4.50 per share to discharge the company's bank loan secured by these warehouse receipts, upon temporary surrender of the stock certificate for stamping to show that the warehouse receipts have been distributed:

(3) The number of unstamped shares eligible for trading on the New York Curb has been so reduced by surrender of the stock certificates for stamping and receipt of whiskey warehouse receipts that only 8,131 shares represented by unstamped certificates remained outstanding in the hands of 99 stockholders on December 12, 1949; (4) balance sheet of the issuer as of December 31, 1948, indicated that after giving effect to the two liquidating distributions hereinabove referred to, the remaining net assets of the company amount to $54,716.85, equivalent to approximately 11 cents for each of the 476,776 total outstanding shares, both stamped and unstamped of the company's common stock; (5) the only other possible asset value represented by such outstanding stamped and unstamped shares would be the right to participate in any proceeds received from a contingent claim for a Federal income tax refund amounting to approximately $130,000, or approximately 27 cents per share of the company's common stock; (6) as a result of the foregoing, the certificates that remain outstanding which have received payment of the stock dividend and which have been stamped to show receipt of the pro rata share of whiskey warehouse receipts, have a very limited selling price, as reflected by the value of the remaining assets of the company in the amounts specified above; and (7) the rules of the New York Curb with respect to striking a security from registration and listing have been complied with.

Upon receipt of a request, prior to September 1, 1949, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 49-6499; Filed, Aug. 10, 1949; 8:47 a. m.]

[File No. 812-609]

ALDRED INVESTMENT TRUST

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of August A. D. 1949.

Notice is hereby given that Aldred Investment Trust (Aldred) 30 Broad Street, New York 4, New York, a registered, closed-end, investment company, has filed an application under section 23 (c) (3) of the Investment Company Act of 1940 for an order authorizing and approving the purchase by it from Harry E. Towle of 8,000 shares of common stock of which Aldred is the issuer, at $9.60 a share or a total of $76,800. There are 82,616 shares outstanding in the hands of 113 persons and at June 28, 1949, the stock had a net asset value of $10.79 a share.

On February 20, 1948, in a receivership proceeding for Aldred, the United States Court of Appeals directed that shareholders be given the option of liquidation or continuing as shareholders. (*Bailey v. Proctor*, 166 F. 2d. 392). Those shareholders who did not elect to retain their interest in the trust have been paid the liquidating value of their shares and the remaining assets were turned over to newly elected trustees. Applications are pending for the purchase from the Estate of Gabriel Caplan, deceased, of 35,000 shares at $9.75 a share (File No. 812-601) and the purchase from James H. Sachs of 4,000 shares at $9.40 a share (File No. 812-605). The present proposal and the aforesaid proposals are allegedly the result of negotiations on an arms-length basis with each seller seeking to make the most advantageous transaction possible.

Section 23 (c) of the act prohibits any closed-end company to purchase any securities of any class of which it is the issuer except upon conditions not here applicable or under such other circumstances as this Commission may permit by rules and regulations or orders for the protection of investors in order to insure that the purchases are made in a manner or on a basis which does not unfairly discriminate against any holders of the class or classes of securities to be purchased. Furthermore, the proposal does not meet the requirements of any rule or regulation adopted thereunder.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after August 19, 1949, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than August 17, 1949, at 5:30 p. m., in writing submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 49-6500; Filed, Aug. 10, 1949; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13578]

HENRY MOELLERING

In re: Estate of Henry Moellering, also known as Henry Mollering, deceased. File No. D–28–10002; E. T. sec. 14182.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ingeborg Möllering, Frieda Sonnemann, nee Möllering, Margot Michel, nee Möllering, Luise Friedrich, nee Möllering, Eva Ahiers, nee Becker and Joachim Becker, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown of Margarete Fesel, nee Mollering, deceased, and of Lina Becker, nee Mollering, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Henry Moellering, also known as Henry Mollering, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Treasurer of the City of New York, as Depositary, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Margarete Fesel, nee Mollering, deceased, and of Lina Becker, nee Mollering, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 2, 1949.

For the Attorney General.

[SEAL] THOMAS H. CREIGHTON, Jr.,
Acting Deputy Director, Office of Alien Property.

[F. R. Doc. 49–6511; Filed, Aug. 10, 1949; 8:50 a. m.]

[Vesting Order 13579]

ILSE VON GUNTHER

In re: Estate of Ilse von Gunther, deceased. File No. F–28–1668; E. T. sec. 16221.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Wilhelm Rudolf von Gunther, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Ilse von Gunther, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Francis J. Mulligan, Public Administrator of New York County, Hall of Records, Room 309, 31 Chambers Street, New York 7, New York, as administrator, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 2, 1949.

For the Attorney General.

[SEAL] THOMAS H. CREIGHTON, Jr.,
Acting Deputy Director, Office of Alien Property.

[F. R. Doc. 49–6512; Filed, Aug. 10, 1949; 8:50 a. m.]

[Vesting Order 13580]

HENRY CHRISTOPHER CRANE

In re: Stock owned by Henry Christopher Crane. F–39–298–D–2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Christopher Crane, whose last known address is Osaka, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Two (2) shares of no par value 4th issue common capital stock of The Oliver Corporation, 400 W. Madison Street, Chicago 6, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by a certificate numbered 11353 for 1 share of no par value 3rd issue common capital stock of the aforesaid corporation, registered in the name of Henry Christopher Crane, together with all declared and unpaid dividends thereon, and any and all rights to receive a new certificate for shares of 4th issue common capital stock thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 2, 1949.

For the Attorney General.

[SEAL] THOMAS H. CREIGHTON, Jr.,
Acting Deputy Director, Office of Alien Property.

[F. R. Doc. 49–6513; Filed, Aug. 10, 1949; 8:50 a. m.]

[Vesting Order 13584]

TERU SHUTOKU

In re: Stock owned by Teru Shutoku. D–39–638–C–1.

Under the authority of the Trading With the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Teru Shutoku, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: One hundred (100) shares of no par value capital stock of International Telephone and Telegraph Corporation, a corporation organized under the laws of the State of Maryland, evidenced by certificate numbered $\frac{NN}{A}$ 14421, dated July 12, 1939, registered in the name of Teru Shutoku, and presently in the custody of The Attorney General of the United States, Washington 25, D. C., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 2, 1949.

For the Attorney General.

[SEAL] THOMAS H. CREIGHTON, Jr.,
Acting Deputy Director, Office of Alien Property.

[F. R. Doc. 49-6514; Filed, Aug. 10, 1949; 8:50 a. m.]

[Vesting Order 13590]

CHRISTIAN CLAUSS

In re: Estate of Christian Clauss, deceased. File No. D-28-12674; E. T. sec. No. 16851.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Clauss, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Christian Clauss, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by William Kull, as administrator, acting under the judicial supervision of the Orphans' Court of Pike County, Milford, Pennsylvania;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 49-6515; Filed, Aug. 10, 1949; 8:50 a. m.]

[Vesting Order 13595]

BERNHARD HOPKEN

In the matter of the estate of Bernhard Hopken, also known as Bernhard Jacob Hoepken, deceased. File D-28-2223; E. T. sec. 2931.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gerda Hoepken, Bertha Johanne Buesing, nee Hoepken, Minna Helene Elise Hoepken, Heide Marie Hoepken and Hilde Hoepken, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Bernhard Hopken, also known as Bernhard Jacob Hoepken, deceased, and each of them, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the sum of $200.30 deposited on October 30, 1947, with the Clerk of the County Court of Fillmore County, Geneva, Nebraska, pursuant to order of the County Court of Fillmore County, Geneva, Nebraska, in the matter of the Estate of Bernhard Hopkin, also known as Bernhard Jacob Hoepken, deceased, including increments thereon and subject to the lawful fees and disbursements of the Clerk of the County Court of Fillmore County, Geneva, Nebraska, is property payable or deliverable to, or claimed by, the persons identified in subparagraphs 1 and 2 hereof, and each of them, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Clerk of the County Court of Fillmore County, Geneva, Nebraska, as depositary, acting under the judicial supervision of the County Court of Fillmore County, Geneva, Nebraska,

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Bernhard Hopken, also known as Bernhard Jacob Hoepken, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 49-6516; Filed, Aug. 10, 1949; 8:50 a. m.]

[Vesting Order 13598]

AUGUST KAMMERER ET AL.

In re: Rights of August Kammerer et al. under Insurance Contracts. Files Nos. F-28-24325-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Kammerer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of August Kammerer, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 1,897,574 A and 1,913,488 A, issued by the Metropolitan Life Insurance Company, New York, New York, to Karl Kammerer, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, August Kammerer or the persons identified in subparagraph 2 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of August Kammerer, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6518; Filed, Aug. 10, 1949; 8:50 a. m.]

[Vesting Order 13596]

GEORGE HOPKEN

In the matter of the Estate of George Hopken, also known as Syasse Georg Hoepken, deceased. File D-28-2223 E. T. sec. 2931.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gerda Hoepken, Bertha Johanne Buesing, nee Hoepken, Minna Helene Elise Hoepken, Heide Marie Hoepken and Hilde Hoepken, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of George Hopken, also known as Syasse Georg Hoepken, deceased, and each of them, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the sum of $200.30 deposited on October 30, 1947, with the Clerk of the County Court of Fillmore County, Geneva, Nebraska, pursuant to order of the County Court of Fillmore County, Geneva, Nebraska, in the matter of the Estate of George Hopken, also known as Syasse Georg Hoepken, deceased, including increments thereon and subject to the lawful fees and disbursements of the Clerk of the County Court of Fillmore County, Geneva, Nebraska, is property payable or deliverable to, or claimed by, the persons identified in subparagraphs 1 and 2 hereof, and each of them, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Clerk of the County Court of Fillmore County, Geneva, Nebraska, as depositary, acting under the judicial supervision of the County Court of Fillmore County, Geneva, Nebraska,

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of George Hopken, also known as Syasse Georg Hoepken, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6517; Filed, Aug. 10, 1949; 8:50 a. m.]

[Vesting Order 13603]

EDWARD MALLINCKRODT AND ST. LOUIS TRUST CO.

In re: Trust agreement dated June 7, 1921, between Edward Mallinckrodt, donor, and the St. Louis Union Trust Company, trustee. File No. D-28-7353-G-3).

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Konrad Engelhardt, Emmy von Blumencorn and Hilde Plettner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to and arising out of or under that certain trust agreement dated June 7, 1921, by and between Edward Mallinckrodt, donor, and the St. Louis Union Trust Company, trustee, presently being administered by the St. Louis Union Trust Company, Trustee, 323 North Broadway, St. Louis 2, Missouri,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6520; Filed, Aug. 10, 1949; 8:51 a. m.]

[Vesting Order 13599]

ERIC P. KEPPELMANN ET AL.

In re: Trust Agreement dated December 29, 1922, between Eric P. Keppelmann and Margaret A. Keppelmann,

settlors, and The Land Title & Trust Company of Philadelphia, trustee, as amended on September 15, 1923. File No. D–28–10544–G–2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wolfgang Losch, Erich Losch, Hand D. Losch, and Eva Losch, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Pauline Adolphine Losch, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated December 29, 1922, as amended on September 15, 1923, by and between Eric P. Keppelmann and Margaret A. Keppelmann, settlors, and The Land Title and Trust Company of Philadelphia, trustee, presently being administered by The Land Title Bank and Trust Company, trustee, 100 South Broad Street, Philadelphia, 10, Pennsylvania,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Pauline Adolphine Losch, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49–6519; Filed, Aug. 10, 1949; 8:50 a. m.]

ASSICURAZIONI GENERALI DI TRIESTE E VENEZIA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Assicurazioni Generali di Trieste e Venezia, Rome, Italy; Claim No. 31282, $1,330,082.71 in the Treasury of the United States. There has been reserved by the Attorney General of the United States out of the property claimed the sum of $150,000.00 pending the determination of the claims of Rudolf Wien (No. 697), Ludwig Geiger (No. 696), Kurt Jachmann (No. 42061), Richard Roehr (No. 334), Rose Kaplan (No. 8120), and Paul Geiringer (No. 333).

The following securities presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York:

U. S. Treasury Bonds of 1950–52, 2½%, dated September 15, 1938, due September 15, 1952, Nos. 3/4 at $100,000.00 each.

U. S. Treasury Bonds of 1951–54, 2¾%, dated June 15, 1936, due June 15, 1954, Nos. 1815/16 at $100,000.00 each.

U. S. Treasury Bond 1956–59, 2¾%, dated September 15, 1936, due September 15, 1959, No. 5889 at $100,000.00.

The Chesapeake and Ohio Railway Company, Refunding and Improvement Mortgage Bonds, Series D, 3½%, dated May 1, 1936, due May 1, 1996, Nos. 27679/83 and 27685/8 at $1,000.00 each.

The New York Central Railroad Company Refunding and Improvement Mortgage Bonds, Series A, 4½%, dated October 1, 1913, due October 1, 2013, Nos. 63251/300 at $1,000.00 each.

The New York, Chicago and St. Louis Railroad Company, Cumulative Preferred Capital Stock, Series A, 6%, Nos. 32581/2, 100 shares each, par value $100.00.

Quaker City Fire and Marine Insurance Co., capital stock, Nos. 566/90 at 100 shares each, $10.00 par value.

The following securities presently in the custody of the Deposit and Clearance Section, Office of Alien Property, 120 Broadway, New York, New York:

383 Coupons at 20 Francs each, detached from Chemin De Fer Du Midi R. R. Co. 4% Loan Bonds of 1930, due June 1, 1940. Nos.: 0135201/0135225; 0125563/0125570; 0121764/0121776; 0113520/0113525; 0111401/011460; 085857/085906; 072678; 069035/069079; 061792/061800; 060646; 055801/055840; 053201; 040059/040100; 038851/038862; 038729; 03279/032983; 029056/029070; 029006/029035; 026948/026966.

All right, title, and interest of the Attorney General of the United States by virtue of Vesting Order No. 218 in and to all property of any name or nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, Assicurazioni Generali di Trieste e Venezia, an Italian corporation, Trieste, Italy, including but not limited to all property of its United States branch known as The General Insurance Company, Ltd. of Trieste and Venice, New York, New York; and,

All right, title, and interest of the Attorney General of the United States by virtue of Vesting Order No. 218 in and to all property of any nature whatsoever which is being administered by the Superintendent of Insurance of the State of New York, as liquidator of such United States branch of said corporation, including but not limited to all right, title and interest of said liquidator in and to all securities of a par value of $100,000 deposited (as a statutory deposit pursuant to the Ohio General Code) with and held by the Superintendent of Insurance of the State of Ohio, except the cash held by said liquidator in a reserve fund to be used for the payment of (1) claims of domestic creditors of such United States branch of said corporation which have been allowed and approved but not paid by said liquidator, (2) claims of domestic creditors of such United States branch of said corporation which are being held in suspense by said liquidator, and (3) liquidation expenses of said liquidator.

All right, title, and interest of the Attorney General of the United States by virtue of Vesting Order No. 468 in and to the excess, if any, of the reserve fund being retained by the Superintendent of Insurance of the State of New York, as liquidator of the United States branch of Assicurazioni Generali di Trieste e Venezia, an Italian corporation, Trieste, Italy (which United States branch is known as the General Insurance Company, Ltd. of Trieste and Venice, New York, New York) after the determination and payment of (1) claims of domestic creditors of such United States branch of said corporation which have been allowed and approved but not paid by said liquidator, (2) claims of domestic creditors of such United States branch of said corporation which are being held in suspense by said liquidator, and (3) liquidation expenses of said liquidator.

Executed at Washington, D. C., on August 4, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49–6521; Filed, Aug. 10, 1949; 8:51 a. m.]